

Derek W. Loeser (*pro hac vice*)  
Cari Campen Laufenberg (*pro hac vice*)  
**KELLER ROHRBACK L.L.P.**  
1201 Third Avenue, Suite 3400  
Seattle, WA 98101  
Telephone: (206) 623-1900  
Facsimile: (206) 623-3384  
dloeser@kellerrohrback.com  
claufenberg@kellerrohrback.com

Steven Bloch, (*pro hac vice*)  
**SILVER GOLUB & TEITELL LLP**  
One Landmark Square, 15th Floor  
Stamford, Connecticut 06901  
Telephone: (203) 325-4491  
dgolub@sgtlaw.com  
sbloch@sgtlaw.com

Eric Kafka (*pro hac vice*)  
**COHEN MILSTEIN SELLERS &  
TOLL PLLC**  
88 Pine Street, 14th Floor  
New York, NY 10005  
Telephone: (212) 838-7797  
Facsimile: (212) 838-7745  
ekafka@cohenmilstein.com

*Attorneys for Plaintiffs and Putative Classes*

**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

**CONSOLIDATED CLASS ACTION  
COMPLAINT**

DEMAND FOR JURY TRIAL

## TABLE OF CONTENTS

I.	NATURE OF THE ACTION.....	1
II.	PARTIES.....	8
A.	Plaintiffs .....	8
B.	Defendants .....	10
C.	Common Enterprise .....	12
III.	JURISDICTION AND VENUE.....	15
IV.	SUBSTANTIVE ALLEGATIONS FACTUAL BACKGROUND.....	17
A.	TikTok Collects and Exploits the Private Information and Kids Mode Private Information of Children Under Age 13. ....	17
1.	Private Information Defined.....	18
2.	The TikTok Platform. ....	20
3.	TikTok Knowingly Promotes Content to Under 13 Users on Its Full Access Platform.....	23
4.	TikTok Amasses Data to Build Profiles and Target Advertising to Under 13 Users .....	26
5.	Defendants Knowingly Creates Accounts for Children Under 13 and Collects Their Data without Parental Notice or Consent.....	31
6.	Defendants Collected Personal Information from “Kids Mode” Accounts.....	35
7.	Defendants Ignored Parents’ Requests to Delete Child Users’ Data .....	38
8.	Defendants Have Failed To Delete Children’s Accounts and Information Identified By Their Own Systems.....	40
9.	TikTok Had Actual Knowledge That It Was Collecting, Storing and Using the Personal Information of Children Under the Age of 13. ....	42
B.	Defendants Knowingly Collected and Exploited the Personal Information of Children Without Parental Consent In Violation of COPPA. ....	44

1	1.	The Children’s Online Privacy Protection Act of 1998. ....	44
2	2.	TikTok unlawfully collects personal information from under age 13 users on the Full Access and Kids Mode Platforms.....	49
3	3.	Defendants’ Actions Violated Class Members’ Reasonable Expectations of Privacy and Are Highly Offensive.....	52
4	4.	Defendants’ Actions Targeting Children in Violation of COPPA and the 2019 Permanent Injunction Are Highly Offensive and Egregious.....	55
5			
6	C.	Plaintiffs and Members of the Classes Have Suffered Economic Injury While Defendants Have Been Enriched. ....	56
7			
8	1.	Private Information and Kids Mode Private Information Are Assets That Have Economic Value. ....	57
9			
10	2.	Defendants Have Been Enriched by Taking Possession of and Using the Private Information and Kids Mode Private Information of Plaintiffs and the Class.....	62
11			
12	D.	Equitable Relief is Necessary to Protect the Rights of the Class and Prevent Defendants from Profiting from their Wrongful Conduct.....	63
13			
14	V.	ALLEGATIONS RELATING TO PLAINTIFFS .....	65
15			
16	A.	Plaintiff J.C., a minor, by and through their parent and guardian ad litem, Jody Villanueva .....	65
17			
18	B.	Plaintiff A.J., a minor, by and through their parent and guardian ad litem, Alexis Douglas.....	66
19			
20	C.	Plaintiff B.M., a minor, by and through their parent and guardian ad litem, Marcelo Muto .....	67
21			
22	D.	Plaintiff L.F., a minor, by and through their parent and guardian ad litem, Heather Bresette.....	68
23			
24	E.	Plaintiff D.M., a minor, by and through their parent and guardian ad litem, Darryl Maulsby .....	69
25			
26	F.	Plaintiff D.G., a minor, by and through their parent, Kristy Bradley .....	70
27			
28	G.	Plaintiff A.B., a minor, by and through their parent, Christina Middleton .....	71
	H.	Plaintiff A.L., a minor, by and through their parent, Tatum Dunne .....	72

I.	Plaintiff M.G., a minor, by and through their parent and guardian ad litem, Valerie Gates .....	73
J.	Plaintiff V.M., a minor, by and through their parent, Ebony Nielsen .....	74
K.	Plaintiffs Z.B. and I.B. minors, by and through their parent, Steven Burda .....	75
L.	Plaintiff K.F., a minor, by and through their parent and guardian ad litem, Angela Faucett .....	75
M.	Plaintiff J.W., a minor, by and through their parent and guardian ad litem, Kayla Jaramillo .....	77
N.	Plaintiff S.T., a minor, by and through their parent, Samuel Tsou.....	78
O.	Plaintiff I.T., a minor, by and through their parent, Yeni Castro .....	79
P.	Plaintiff E.B., a minor, by and through their parent, Ebony Baker .....	79
VI.	TOLLING, ESTOPPEL AND RELATION BACK .....	80
A.	Discovery Rule Tolling .....	80
B.	Tolling of Statute of Limitations .....	81
C.	Estoppel .....	81
VII.	CLASS ACTION ALLEGATIONS.....	81
A.	Multistate Intrusion Upon Seclusion Class.....	82
B.	Multistate Unjust Enrichment Class .....	83
C.	State Classes: .....	84
1.	The California Class .....	84
2.	The Connecticut Class .....	84
3.	The Florida Class .....	85
4.	The Georgia Class.....	85
5.	The Missouri Class .....	85
6.	The New York Class.....	86
7.	The Pennsylvania Class .....	86
8.	The Washington Class .....	86

VIII. CLAIMS FOR RELIEF .....	90
Claim 1 — MULTISTATE INTRUSION UPON SECLUSION .....	90
Claim 2 — MULTISTATE UNJUST ENRICHMENT CLAIM .....	92
A. CALIFORNIA CLAIMS .....	94
Claim 3 — CALIFORNIA CONSTITUTIONAL RIGHT TO PRIVACY, Cal. Const. Art. 1, § 1. ....	94
Claim 4 — CALIFORNIA NEGLIGENCE .....	97
Claim 5 — CALIFORNIA UNFAIR COMPETITION LAW (UCL), Cal. Bus. & Prof. Code § 17200 <i>et seq.</i> .....	102
B. CONNECTICUT CLAIMS .....	109
Claim 6 — CONNECTICUT NEGLIGENCE .....	109
Claim 7 — CONNECTICUT UNFAIR TRADE PRACTICES ACT, Conn. Gen. Stat. § 42-110a, <i>et seq.</i> .....	114
C. FLORIDA CLAIMS .....	118
Claim 8 — FLORIDA DECEPTIVE AND UNFAIR TRADE PRACTICES ACT (FDUTPA), Fla. Stat. Ann. § 501.201 <i>et seq.</i> ..	118
Claim 9 — FLORIDA NEGLIGENCE.....	123
D. GEORGIA CLAIMS .....	128
Claim 10 — GEORGIA NEGLIGENCE .....	128
Claim 11 — GEORGIA FAIR BUSINESS PRACTICES ACT, Ga. Code Ann. § 10-1-390, <i>et seq.</i> .....	133
E. MISSOURI CLAIMS .....	138
Claim 12 — MISSOURI NEGLIGENCE .....	138
Claim 13 — MISSOURI MERCHANDISING PRACTICES ACT (MMPA), Mo. Rev. Stat. Ann. ch. 407 .....	143
F. NEW YORK CLAIMS .....	148
Claim 14 — NEW YORK CIVIL RIGHTS LAW §§ 50-51 .....	148
Claim 15 — NEW YORK NEGLIGENCE.....	150

1	G.	PENNSYLVANIA CLAIMS.....	156
2		Claim 16 — PENNSYLVANIA NEGLIGENCE.....	156
3		Claim 17 — PENNSYLVANIA UNFAIR TRADE PRACTICES AND	
4		CONSUMER PROTECTION LAW (UTPCPL), Pa. Stat. Ann.	
5		tit. 73 § 210-1 <i>et seq.</i> .....	161
6	H.	WASHINGTON CLAIMS.....	166
7		Claim 18 — WASHINGTON NEGLIGENCE .....	166
8		Claim 19 — WASHINGTON CONSUMER PROTECTION ACT,	
9		Wash. Rev. Code. § 19.86.010, <i>et seq.</i> .....	171
10	IX.	PRAYER FOR RELIEF.....	174
11	X.	DEMAND FOR JURY TRIAL.....	175

1 Plaintiffs J.C. by and through their parent and guardian ad litem Jody Villanueva;  
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; L.F., a  
4 minor, by and through their parent and guardian ad litem, Heather Bresette; D.M., a  
5 minor, by and through their parent and guardian ad litem, Darryl Maulsby; D.G., a  
6 minor, by and through their parent, Kristy Bradley; A.B., a minor, by and through their  
7 parent, Christina Middleton; A.L., a minor, by and through their parent, Tatum Dunne;  
8 M.G., a minor, by and through their parent and guardian ad litem, Valerie Gates; V.M., a  
9 minor, by and through their parent, Ebony Nielsen; Z.B. and I.B., minors, by and  
10 through their parent, Steven Burda; K.F., a minor, by and through their parent and  
11 guardian ad litem, Angela Faucett; J.W., a minor, by and through their parent and  
12 guardian ad litem, Kayla Jaramillo S.T., a minor, by and through their parent Samuel  
13 Tsou; I.T., a minor by and through their parent Yeni Castro; E.B., a minor by and  
14 through their parent Ebony Baker, individually, and on behalf of all others similarly  
15 situated, hereby file suit against the Defendants listed below and allege the following  
16 based on personal knowledge, information and belief, the investigation of counsel, and  
17 public sources:

## 18 **I. NATURE OF THE ACTION**

19 1. This action arises out of Defendants' invasion of privacy and unfair  
20 business practices directed toward millions of children in the United States under the age  
21 of 13 in violation of the law and societal norms. Specifically, from March 28, 2019 to  
22 the present (the "Class Period"), Defendants have knowingly permitted and encouraged  
23 children under the age of 13 to create user accounts on the TikTok full access platform  
24 ("Full Access Platform")<sup>1</sup> for the purpose of collecting intimate, deeply intrusive data  
25 points about them and their online behavior without notice and parental consent. TikTok  
26

27 <sup>1</sup> Colloquially, the "Full Access Platform" is often referred to as the main TikTok app or  
28 the Platform.

collects information from users that it knows are under 13, including name, age, email address, phone number, persistent identifiers<sup>2</sup> 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”).<sup>3</sup> 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 Defendants were unwilling to cease their unlawful business practices despite a Permanent Injunction, entered into with the United States Government on March 27, 2019 (the “2019 Permanent Injunction”).<sup>4</sup> The 2019 Permanent Injunction enjoined TikTok from, among other things, violating the Commission’s Children’s Online Privacy Protection Act Rule (“COPPA Rule”)<sup>5</sup>—prohibiting Defendants from their continued collection and

---

<sup>2</sup> 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.

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

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

<sup>5</sup> 16 C.F.R. Part 312.



1 use of the Private Information of children under the age of 13 without notice and  
2 verifiable parental consent.

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

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

16 5. TikTok’s user base is disproportionately made up of children. From the  
17 outset, Defendants considered U.S. teens a “golden audience.”<sup>6</sup>

18 6. Defendants know that TikTok is an attractive social media destination for  
19 children. Nonetheless, Defendants have a history of knowingly allowing children under  
20 13 years of age to create and use TikTok accounts without their parents’ knowledge or  
21 consent, collecting extensive data from those children, and failing to comply with  
22 parents’ requests to delete their children’s accounts and personal information.

23 7. On February 27, 2019, the United States filed a Complaint against  
24

25  
26 <sup>6</sup> Paul Mozur, *Chinese Tech Firms Forced to Choose Market: Home or Everywhere*  
27 *Else*, N.Y. Times (Aug. 9, 2016),  
28 <https://www.nytimes.com/2016/08/10/technology/china-homegrown-internet-companies-rest-of-the-world.html>.

1 Musical.ly and Musical.ly, Inc., companies that had been acquired by TikTok in 2017<sup>7</sup>,  
2 alleging that Defendants were unlawfully collecting and using the personal information  
3 of children, as defined by Children’s Online Privacy Protection Act (“COPPA”),<sup>8</sup> in the  
4 operation of their free online video-sharing app.<sup>9</sup>

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

13 9. When the United States brought its Complaint against Musical.ly in 2019, it  
14 alleged that the app had 65 million registered accounts in the United States.<sup>11</sup> As of  
15 2024, there are more than 170 million TikTok users in the United States.<sup>12</sup> TikTok  
16  
17  
18  
19

---

20 <sup>7</sup> Musical.ly and Musical.ly, Inc., (respectively renamed TikTok Ltd. and TikTok Inc. in  
21 April 2019),

22 <sup>8</sup> 15 U.S.C. §§ 6502(c) and 6505(d).

23 <sup>9</sup> Compl., *United States v. Musical.ly*, No. 2:19-cv-1439 (C.D. Cal. Feb. 27, 2019), ECF  
24 No. 1.

25 <sup>10</sup> 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.

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

<sup>12</sup> *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.<sup>13</sup>

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.<sup>14</sup>

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.<sup>15</sup>

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;

---

<sup>13</sup> 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>.

<sup>14</sup> 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>.

<sup>15</sup> 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.

1 and (4) failed to delete the accounts and information of users they know are children.<sup>16</sup>  
2 The DOJ Complaint further alleges that its ability to assess the precise magnitude of  
3 Defendants' violations has been stymied by Defendants' failure to keep records  
4 demonstrating its COPPA compliance, as required by the terms of the 2019 Permanent  
5 Injunction.<sup>17</sup>

6 14. The Children's Online Privacy Protection Act ("COPPA"), 15 U.S.C.  
7 §6501 *et seq.*, protects children under 13 years old from having their personal  
8 information (as defined in 16 C.F.R. § 312.2) collected by operators of websites or  
9 online services directed to children, or operators with actual knowledge that they are  
10 collecting personal information online from children under 13 years old, unless their  
11 parent has first given verifiable consent. Each time Defendants have collected a child's  
12 personal information without parental notice or verifiable consent or have failed to  
13 delete that information at the request of the child's parents or upon learning it was  
14 collected from a child whose parents were not notified or did not provide verifiable  
15 consent, Defendants violated COPPA.

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

20 16. A majority of states, including but not limited to California, Connecticut,  
21 Florida, Georgia, Missouri, Pennsylvania and Washington, have enacted laws  
22 prohibiting unfair and/or unlawful business practices that are modeled after the FTC Act.  
23 These state laws take interpretive guidance from the FTC Act. Defendants, by their  
24

---

25  
26 <sup>16</sup> *Id.* ¶¶ 39-96.

27 <sup>17</sup> *Id.* ¶ 38.

28 <sup>18</sup> 15 U.S.C. § 6502(c).

1 unlawful collection and use of the personal information of children under the age of 13  
2 without parental notice or consent have violated these state laws.

3 17. Additionally, the conduct of TikTok constitutes unwarranted invasions of  
4 privacy in violation of the substantial protections that numerous states, including but not  
5 limited to, California, Connecticut, Georgia, Missouri, Pennsylvania, and Washington  
6 provide to their citizens. These states recognize the common law right to be free from  
7 intrusion upon seclusion, as formulated by § 652B of the Restatement (Second) of Torts,  
8 which prohibits intentional intrusion upon the solitude or seclusion of another or his or  
9 her private affairs or concerns. In addition, the California Constitution provides  
10 California citizens and residents an enumerated right to privacy.

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

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

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

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

## II. PARTIES

### A. Plaintiffs

22. 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.

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

26. Plaintiff D.M., a minor, by and through their parent and guardian ad litem,

1 Darryl Maultsby. Plaintiff D.M. and Darryl Maultsby are natural persons and residents  
2 and citizens of the State of Florida. During the Class Period, D.M. created and used a  
3 TikTok account (while under the age of 13) and regularly viewed content on the TikTok  
4 platform.

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

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

13 29. Plaintiff A.L., a minor, by and through their parent, Tatum Dunne. Plaintiff  
14 A.L. and Tatum Dunne are natural persons and residents and citizens of the State of  
15 Missouri. During the Class Period, A.L. created and used a TikTok account (while under  
16 the age of 13) and regularly viewed content on the TikTok platform.

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

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

26 32. Plaintiffs Z.B. and I.B., minors, by and through their parent, Steven Burda.  
27 Plaintiffs Z.B., I.B., and Steven Burda are natural persons and residents and citizens of  
28 the State of Pennsylvania. During the Class Period, Z.B. and I.B. created and used a



1 TikTok account (while under the age of 13) and regularly viewed content on the TikTok  
2 platform.

3 33. Plaintiff K.F., a minor, by and through their parent and guardian ad litem,  
4 Angela Faucett. Plaintiff K.F. and Angela Faucett are natural persons and residents and  
5 citizens of the State of Washington. During the Class Period, K.F. created and used a  
6 TikTok account (while under the age of 13) and regularly viewed content on the TikTok  
7 platform.

8 34. Plaintiff J.W., a minor, by and through their parent and guardian ad litem,  
9 Kayla Jaramillo. Plaintiff J.W. and Kayla Jaramillo are natural persons and residents and  
10 citizens of the State of Washington. During the Class Period J.W. created and used a  
11 TikTok account (while under the age of 13) and regularly viewed content on the TikTok  
12 platform.

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

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

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

25 **B. Defendants**

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



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

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

11           41. Defendant ByteDance Ltd. is a Cayman Islands company with its  
12 headquarters in Beijing, China. ByteDance Ltd. created and owns the proprietary  
13 algorithm that underlies TikTok’s “For You” feed. It has had offices in the United States  
14 and in other countries. ByteDance Ltd. transacts or has transacted business in this  
15 District and throughout the United States.

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

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

25           44. Defendant TikTok Ltd. is a Cayman Islands company with its principal  
26 place of business in Singapore or Shanghai, China. TikTok Ltd. wholly owns TikTok  
27 LLC and TikTok Pte. Ltd. and is listed in the Apple App Store as the “developer” of the  
28 TikTok app. TikTok Ltd. transacts or has transacted business in this District and

1 throughout the United States.

2 45. Collectively, Plaintiffs refer to Defendants TikTok Inc., TikTok LLC,  
3 TikTok U.S. Data Security Inc., TikTok Pte. Ltd., TikTok Ltd., ByteDance Ltd., and  
4 ByteDance Inc., as “Defendants’ or “TikTok”.

5 **C. Common Enterprise**

6 46. Defendant ByteDance Ltd. is the parent and owner of ByteDance, Inc. and  
7 TikTok, Ltd. TikTok Ltd. owns TikTok LLC and TikTok Pte. Ltd. TikTok LLC owns  
8 TikTok Inc., which owns TikTok U.S. Data Security, Inc.

9 47. ByteDance Ltd. and TikTok Inc. executives, including Zhang Yiming,  
10 Liang Rubo, Zhao Pengyuan, and Zhu Wenjia, direct and control the company. Since  
11 2019, ByteDance Ltd. and TikTok Inc. have supported and marketed the app in  
12 California and throughout the United States, including through the Apple App Store and  
13 the Google Play Store.

14 48. TikTok Pte. Ltd. serves the U.S. distributor of TikTok through the Apple  
15 App Store and the Google Play Store. TikTok, Ltd. is listed as the developer of the app  
16 in the Apple App Store and TikTok Pte. Ltd. is listed as the developer of the app in the  
17 Google Play Store.

18 49. ByteDance Ltd. created the algorithm that drives the video recommendation  
19 engine on TikTok and maintains ownership of it.

20 50. The TikTok website is accessed through the tiktok.com domain, which is  
21 registered to TikTok, Ltd.

22 51. Since 2023, TikTok Inc. has transferred Private Information and Kids Mode  
23 Private Information of children under 13 to TikTok U.S. Data Security, Inc., which has  
24 maintained that data.

25 52. TikTok Inc.’s Chief Executive Officers (“CEOs” or “CEO”) between 2020  
26 and the present (Kevin Mayer, V. Pappas, and Shou Zi Chew), have simultaneously held  
27 senior positions at ByteDance Ltd., and ByteDance Ltd.’s CEOs (Zhang Yiming and  
28 Liang Rubo) have simultaneously served as directors of TikTok, Ltd. TikTok Inc.’s

1 Global Chief Security Officer, Roland Cloutier, also served as cyber risk and data  
2 security support for ByteDance Ltd. ByteDance Inc. and TikTok Pte. Ltd.’s officers and  
3 directors have also overlapped with each other, and with officers and directors of TikTok  
4 Inc.

5 53. In April 2021, when Shou Chew was named CEO of TikTok Inc., he was  
6 serving as Chief Financial Officer of ByteDance Ltd. As CEO of TikTok Inc., Chew  
7 reports to the CEO of ByteDance Ltd. and is also paid by ByteDance Ltd. ByteDance  
8 Ltd. provides compensation and benefits to TikTok Inc.’s CEO and TikTok Inc.  
9 employees participate in ByteDance Ltd.’s stock option plan.

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

17 55. Prominent leaders of TikTok Inc. even state on their public LinkedIn  
18 profiles that they are employed by “ByteDance/TikTok.”<sup>19</sup>

19 56. Upon information and belief, TikTok operates on a “shared services” model  
20 in which ByteDance Ltd. provides legal, safety, and privacy resources, including  
21 personnel. For instance, ByteDance Ltd. controls legal compliance and oversight at  
22 TikTok Inc. ByteDance Ltd.’s Global General Counsel, who reports to ByteDance Ltd.’s  
23  
24

25  
26 <sup>19</sup> 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  
27 Soc. Media (Mar. 14, 2023), <https://t.co/ROPtMMud89>.  
28

1 CEO, also oversees TikTok Inc.’s legal issues.<sup>20</sup> ByteDance Ltd.’s Director of Legal  
2 Affairs was designated as the point of contact along with outside counsel for the Federal  
3 Trade Commission (“FTC”) to communicate with TikTok Ltd. and/or TikTok Inc.  
4 regarding TikTok’s compliance with the 2019 Permanent Injunction, involving the app  
5 that later became TikTok.

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

9 58. TikTok Inc. CEO Chew stated to Congress on March 23, 2023, that  
10 employees of ByteDance Ltd. work on the TikTok platform and that he personally uses  
11 Lark to communicate “with employees at ByteDance [Ltd.]”<sup>21</sup>

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

18 60. This same report gives examples of cross-hiring and concludes that  
19

---

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

23 <sup>21</sup> *See TikTok: How Congress Can Safeguard American Data Privacy and Protect*  
24 *Children from Online Harms: Hearing Before H. Comm. on Energy & Com*, 118th  
25 Cong. 1, 96 (2023), <https://www.congress.gov/118/chrg/CHRG-118hhr53839/CHRG-118hhr53839.pdf> (testimony of Shou Chew, CEO, TikTok, Inc.).

26 <sup>22</sup> 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*  
27 *Media* [Submission 34] at 42, Austl. S. Select Comm. on Foreign Interference through  
28 Soc. Media (Mar. 14, 2023), <https://t.co/ROPtMMud89>.

ByteDance Ltd. Management considers TikTok to be interchangeable.<sup>23</sup>

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

62. 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.

63. 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.

64. 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

65. 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.

66. TikTok carries out business activities and operations that are relevant to the conduct alleged in this Consolidated Class Action Complaint within California. Over the

---

<sup>23</sup> *Id.*]

1 course of the Class Period, TikTok has held out its operations in Los Angeles as both its  
2 global headquarters and its headquarters for operations in the United States.

3 67. As of March 2024, 16 million people and 890,000 businesses in California  
4 actively use TikTok.<sup>24</sup>

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

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

---

21  
22 <sup>24</sup> *TikTok: THE VALUE OF THE APP FOR CONSUMERS AND BUSINESS LEADERS*  
23 *IN CALIFORNIA*, Oxford Econ. (Mar. 2024), [https://a-](https://a-us.storyblok.com/f/1018266/x/2ecc5c0ed3/tiktok_factsheet_ca.pdf)  
24 [us.storyblok.com/f/1018266/x/2ecc5c0ed3/tiktok\\_factsheet\\_ca.pdf](https://a-us.storyblok.com/f/1018266/x/2ecc5c0ed3/tiktok_factsheet_ca.pdf).

25 <sup>25</sup> Dolores Quintana, *TikTok's Soaring Ambitions: Expanding Culver City HQ Amidst*  
26 *Global Growth*, WestsideToday (Aug. 13, 2023),  
27 [https://westsidetoday.com/2023/08/13/tiktoks-soaring-ambitions-expanding-culver-city-](https://westsidetoday.com/2023/08/13/tiktoks-soaring-ambitions-expanding-culver-city-hq-amidst-global-growth/)  
28 [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 f. Defendants have exploited the data of residents of California who are under  
2 13 years of age, to sell advertising and increase revenue, and continue to do  
3 so;
- 4 g. Defendants have sold and continue to serve ads on residents of California  
5 who are under 13 years of age, based on data Defendants unlawfully  
6 collected, and continue to do so;
- 7 h. Defendants have made misrepresentations to residents of California who are  
8 under 13 years of age about TikTok’s data collection including but not  
9 limited to misrepresentations about “TikTok for Younger Users” or “Kids  
10 Mode” (hereinafter, “Kids Mode”); and
- 11 i. Defendants have provided tools to California-based businesses to advertise  
12 and market to children under 13 using behavioral advertising.

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

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

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

25 **IV. SUBSTANTIVE ALLEGATIONS**  
26 **FACTUAL BACKGROUND**

27 **A. TikTok Collects and Exploits the Private Information and Kids Mode Private**  
28



## Information of Children Under Age 13.

### 1. Private Information Defined.

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

73. COPPA generally defines personal information “as individually identifiable information about an individual collected online.” 15 U.S.C. § 6501(8). COPPA lists numerous categories of information that it “includes” in this definition. *Id.* The list is not exclusive. The full list of personal information under COPPA is provided in Para. 176, below.

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

- a. Account and profile information: name, age, username, password, language, email, phone number, social media account information, profile image;
- b. User-generated content and metadata: comments, photos, livestreams, videos, audio recordings, text, hashtags, virtual item videos, creation time/location, and creator identity;
- c. Pre-uploaded content: versions of content created or imported before posting, including versions without effects;
- d. Messages: message content, timestamps (sent, received, read), and participant information;
- e. Clipboard content (with user permission): text, images, and videos copied to your device clipboard;
- f. Purchase information: payment card details, third-party payment information (e.g., PayPal), billing and shipping address, warranty info, purchase history (purchase made, time, amount spent);



- g. Phone and social network contacts (with user permission): names, phone numbers, email addresses, public profile information of contacts;
- h. Choices and communication preferences;
- i. Unspecified information used to verify identity or age;
- j. Correspondence: information shared when contacting TikTok;
- k. Survey and promotion data: gender, age, likeness, preferences, and participation details;
- l. Third-party service data: public profile info, email, contact lists from platforms like Facebook, Twitter, Instagram, Google;
- m. Partner and advertiser data: activities on other websites/apps/stores, purchase history, mobile ad IDs, hashed contact info, cookie IDs;
- n. Affiliated entities data: activity on related platforms;
- o. Information from others: mentions in User Content/messages, contact details submitted by third parties;
- p. Public and institutional sources: data from public sources, governments, organizations, and charities;
- q. Internet/network activity: IP address, geolocation, device identifiers, browsing/search history, cookies;
- r. Usage information: activity on the platform, content interactions;
- s. Device information: device type/model, IP address, carrier, OS, screen resolution, file/app types, keystroke patterns, audio settings, battery state, advertising IDs;
- t. Location data: approximate location via IP or SIM, location tags in content;
- u. Image and audio analysis: object/scene detection, facial/body features, spoken text, faceprints, voiceprints;
- v. Metadata: timestamps, content creation details, content formatting, account links, hashtags, captions;
- w. Cookies and tracking technologies: for analytics, functionality, advertising,

1 and cross-device tracking;

2 x. Linked identifiers: cross-device and cross-platform activity via  
3 account/device info.<sup>26</sup>

4 75. The above categories, together with the categories of personal information  
5 listed in COPPA as set forth in ¶ 176 constitute “Private Information.”

6 **2. The TikTok Platform.**

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

9 77. By 2016, it became apparent that many of Musical.ly’s users were children  
10 under 13 years old when the *New York Times* reported:

11 The app does not collect or show the age of its users, but some of its top-ranked  
12 users, whose posts routinely collect millions of likes, called hearts, appear from  
13 their videos and profile photos to be in grade-school. Until recently, the app had a  
14 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.<sup>27</sup>

15 78. The CEO of a social media advertising agency told the *New York Times* that  
16 with Musical.ly users, “you’re talking about first, second, third grade.”<sup>28</sup>

17 79. By 2017, Musical.ly had 60 million users, most of whom were in the United  
18 States.<sup>29</sup> Around that time, a significant portion of Musical.ly’s users were children  
19

---

20  
21 <sup>26</sup> TikTok Inc., Privacy Policy (U.S.) (Aug. 19, 2024),  
22 <https://www.tiktok.com/legal/page/us/privacy-policy/en>.

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

25 <sup>28</sup> *Id.*

26 <sup>29</sup> See Jon Russell & Katie Roof, *China’s Bytedance is buying Musical.ly in a deal*  
27 *worth \$800M-\$1B*, TechCrunch (Nov. 9, 2017, 6:54 PM),  
28

1 under the age of 13.<sup>30</sup>

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

4 81. On November 9, 2017, ByteDance Ltd. purchased Musical.ly for almost \$1  
5 billion. On August 2, 2018, TikTok merged with Musical.ly, consolidating the accounts  
6 and data into one application.

7 82. The TikTok platform allows users to create, upload, and share shortform  
8 videos. The TikTok app is free to download. It generates revenue for Defendants  
9 through advertising and eCommerce, including through the TikTok for Business  
10 platform, as well as in-app purchases of TikTok “coins” through the TikTok Shop.

11 83. TikTok primarily generates revenue by showing third-party advertisements  
12 to users on its platform.<sup>31</sup>

13 84. TikTok targets users with specific advertisements by collecting persistent  
14 identifiers about the users and combining those identifiers with other information about  
15 the users.<sup>32</sup> This information is comprised of data TikTok collects from its platform  
16 including account and profile information, user-generated content, such as videos  
17 viewed, videos “liked,” accounts followed, content viewed, content created, messages,  
18 purchase information, usage information, as well as location data, device information,  
19

20  
21 [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.)  
22 [worth-800m-](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.)  
23 [1b/#:~:text=The%20deal%20is%20undisclosed%20but,are%20based%20in%20the%20](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.)  
24 [U.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.)

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

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

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

1 image and audio information, metadata, and data from cookies and similar technologies  
2 that track users across different websites and platforms.<sup>33</sup>

3 85. Having more users on its platform enables TikTok to collect more data  
4 which it can then use to more successfully target users with “relevant” advertising,  
5 increasing TikTok’s revenue.<sup>34</sup>

6 86. TikTok’s ability to exploit users on its platform for these purposes, by using  
7 their Private Information, has been a resounding success. In 2023, TikTok reported  
8 record earnings of \$16 billion in the U.S.<sup>35</sup>

9 87. This success has come at the expense of users who are children under 13.  
10 Although TikTok intentionally obscures the amount of money it makes from the data it  
11 collects from users under 13 by generally not providing statistics for that specific age  
12 group, it is abundantly clear from the data that is publicly available that TikTok profits  
13 enormously from children and many of those children are under age 13. For example,  
14 researchers estimate that 35% of TikTok’s 2022 U.S. ad revenue was derived from users  
15 under age 18.<sup>36</sup>

16 88. In January 2024, TikTok reported that it had more than 170 million monthly  
17

---

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

20 <sup>34</sup> *See* Zheping Huang, *TikTok Has a Few Main Ingredients for Making Money*,  
21 Bloomberg (June 28, 2022, 3:45 AM),  
22 [https://www.bloomberg.com/news/newsletters/2022-06-28/how-does-tiktok-make-](https://www.bloomberg.com/news/newsletters/2022-06-28/how-does-tiktok-make-money-app-relies-on-a-few-main-ingredients)  
23 [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).

24 <sup>35</sup> *TikTok’s US revenue hits \$16bln as Washington threatens ban, FT reports*, Reuters  
25 (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/)  
[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/).

26 <sup>36</sup> Maya Brownstein, *Social media platforms generate billions in annual ad revenue*  
27 *from U.S. youth*, Harv. T.H. Chan Sch. Pub. Health (Dec. 27, 2023),  
28 [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)  
[revenue-from-u-s-youth](https://hsph.harvard.edu/news/social-media-platforms-generate-billions-in-annual-ad-revenue-from-u-s-youth).

1 active users in the United States—more than half the population of the United States.<sup>37</sup>

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

4 89. As defined by COPPA, TikTok is an operator of a website and online  
5 service that is directed in part at children.<sup>38</sup>

6 90. TikTok was, at all times throughout the Class Period, aware that children  
7 under age 13 accessed and engaged with the Full Access Platform and actively sought to  
8 increase viewing and engagement by children under 13 through content directed at those  
9 children, while publicly representing that such children were not permitted to access  
10 TikTok's Full Access Platform and were protected by TikTok Kid's Mode.

11 91. Over the past five years, multiple public reports, as well as TikTok's  
12 internal metrics, demonstrate that young children are using the Full Access Platform.  
13 According to TikTok, in 2020, more than one-third of its 49 million daily users in the  
14 United States were under 14 years old.<sup>39</sup> As documented in a 2021 internal presentation,  
15 TikTok estimated that 95 percent of smartphone users under 17 use the app.<sup>40</sup> Further, a  
16 2022 *Pew Research Center* survey reported that 67 percent of American teenagers (ages  
17 13 to 17) use TikTok, with most (58 percent) using the platform daily.<sup>41</sup> According to a

---

18  
19 <sup>37</sup> *Testimony Before the US Senate Committee on the Judiciary Written Statement of*  
20 *Shou Chew Chief Executive Officer, TikTok Inc.* (Jan. 31 2024),  
<https://www.judiciary.senate.gov/imo/media/doc/2024-01-31-testimony-chew.pdf>.

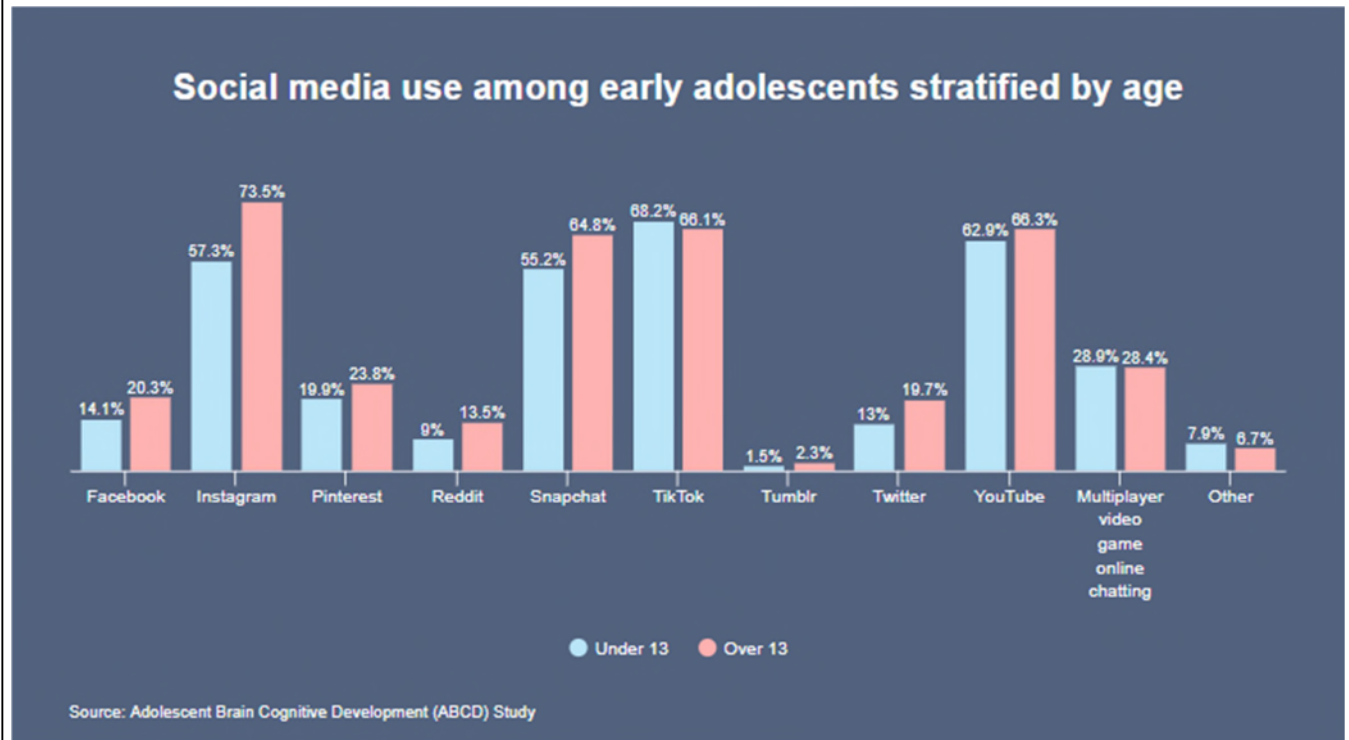
21 <sup>38</sup> *See* 16 C.F.R. § 312.2.

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

24 <sup>40</sup> Bobby Allyn *et al.*, *TikTok executives know about app's effect on teens, lawsuit*  
25 *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>.

26  
27 <sup>41</sup> Emily A. Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr.  
28 (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

survey conducted in the United States in 2022, 47 percent of respondents ages 11 to 12 years were using TikTok.<sup>42</sup> Researchers estimate that in 2022, TikTok had over 3 million users ages 0-12 years old.<sup>43</sup> And a 2025 published study found that among the nearly 70 percent of American children (ages 11 to 15) who have at least one social media account, the most common platform was TikTok; and for the under 13 year olds in that group, over 68 percent had TikTok accounts.<sup>44</sup>



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

<sup>43</sup> Amanda Raffoul *et al.*, *Social media platforms generate billions of dollars in revenue 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).

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



Figure 1<sup>45</sup>

92. 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.

93. 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.”<sup>46</sup> 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 under 13. Thus, TikTok is operating a website and online service that, in this respect, is directed to children.

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

95. TikTok knows that child-directed content, as described above and much

---

<sup>45</sup> 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>.

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

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

1 more, is on its platform. Each of the TikTok accounts described above is a “verified”  
2 account, which means that TikTok independently reviewed the account upon receipt of  
3 an application, determined the account to be “[n]otable,” and “confirmed the account  
4 belongs to the person or brand it represents.”<sup>48</sup>

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

7 96. TikTok’s Full Access Platform collects an enormous amount of data from  
8 each user, both from on and off its platform, including:

- 9 • User Provided Information:
- 10 ○ Account and profile information, such as name, age, username,  
11 password, language, email, phone number, social media account  
12 information, and profile image.
  - 13 ○ User-generated content, including comments, photographs,  
14 livestreams, audio recordings, videos, text, hashtags, and virtual item  
15 videos that a user creates or uploads (“User Content”) and the  
16 associated metadata, such as when, where, and by whom the content  
17 was created.
  - 18 ○ Messages, which include information provided when users compose,  
19 send, or receive messages through TikTok’s messaging  
20 functionalities, through the chat functionality when communicating  
21 with sellers, or through use of virtual assistants when purchasing  
22 items via TikTok. That information includes the content of the  
23 message and information about the message, such as when it was  
24 sent, received, or read, and message participants.

---

25  
26  
27 <sup>48</sup> *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  
28 visited July 10, 2025).



- 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).

- 1       • Image and Audio Information:
  - 2           ○ Information about the videos, images and audio that are a part of
  - 3           User Content, such as identifying the objects and scenery that appear,
  - 4           the existence and location within an image of face and body features
  - 5           and attributes, the nature of the audio, and the text of the words
  - 6           spoken in your User Content. This information is collected to enable
  - 7           special video effects, for content moderation, for demographic
  - 8           classification, for content and ad recommendations, and for other
  - 9           non-personally-identifying operations.
  - 10          ○ Biometric identifiers and biometric information as defined under U.S.
  - 11          laws, such as faceprints and voiceprints, from your User Content,
  - 12          subject to any legal requirements for collection.
- 13       • Metadata:
  - 14           ○ When users upload or create User Content, certain metadata is
  - 15           automatically uploaded to the User Content. For example, metadata
  - 16           can describe how, when, where, and by whom the piece of User
  - 17           Content was created, collected, or modified and how that content is
  - 18           formatted. It also includes information, such as account name, that
  - 19           enables other users to trace back the User Content to a specific user
  - 20           account. Additionally, metadata includes data that users choose to
  - 21           provide with User Content, e.g., any hashtags used to mark keywords
  - 22           to the video and captions.
- 23       • Cookies:
  - 24           ○ TikTok, its service providers and business partners use cookies and
  - 25           other similar technologies (e.g., web beacons, flash cookies, etc.)
  - 26           (“Cookies”) to automatically collect information, measure and
  - 27           analyze how users use the platform, including which pages are
  - 28           viewed most often and how users interact with content, enhance user

1 experience using the platform, improve the platform, provide users  
2 with advertising, and measure the effectiveness of advertisements and  
3 other content.

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

11 97. TikTok also collects information about its users from other sources,  
12 including:

- 13 • If a user signs-up or logs-in to the platform using a third-party service such as  
14 Facebook, Twitter, Instagram, or Google, or links a TikTok account to a third-  
15 party service, information from that service is collected including a user’s  
16 public profile information (such as nickname), email, and contact list.
- 17 • Advertisers, measurement and other partners share information with TikTok  
18 about users and the actions users have taken outside of the platform, such as  
19 user activities on other websites and apps or in stores, including the products or  
20 services users have purchased, online or in person. These partners also share  
21 information with TikTok, such as mobile identifiers for advertising, hashed  
22 email addresses and phone numbers, and cookie identifiers, which are used to  
23 help match users and users’ actions outside of the platform with their TikTok  
24 accounts. Some of advertisers and other partners enable TikTok to collect  
25 similar information directly from websites or apps by integrating TikTok  
26 Advertiser Tools (such as TikTok Pixel).
- 27 • TikTok may obtain information about users from certain affiliated entities  
28 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.<sup>49</sup>

98. 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.<sup>50</sup> This DYD file contains part, but not all, of the information that TikTok collects about each user.

99. 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 algorithm<sup>51</sup> 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 able to and does factor age into account when determining what personalized content to provide to users.

100. Therefore, TikTok collected personal information from users under the age

---

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

<sup>50</sup> 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).

<sup>51</sup> 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 of 13 for the purpose of profiling the users and serving them age-based, behavioral  
2 advertising and contextualized advertising targeted to children.

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

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

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

22 103. Since at least March 2019, Defendants have required that users input a  
23 birthdate (day, month, and year) when creating a TikTok account.

24 \_\_\_\_\_  
25  
26 <sup>52</sup> *Id.*

27 <sup>53</sup> Bobby Allyn *et al.*, *TikTok executives know about app’s effect on teens, lawsuit*  
28 *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           104. This is also known as an “age gate.” The purpose of an age gate is to direct  
2 a user to the version and features of TikTok that are deemed appropriate for their age.

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

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

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

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

18           109. Despite the 2019 Permanent Injunction, TikTok implemented a particularly  
19 flimsy age gate that ultimately continued to permit children to create full access TikTok  
20 accounts. For instance, the age gate allowed children to make multiple attempts at  
21 creating an account. Until at least late 2020, a child who input an age below 13 could  
22 restart the account creation process to create a new account with a different age. Thus,  
23

---

24  
25 <sup>54</sup> Research suggests that Kids Mode’s “lack of child-directed content” and “frequent  
26 content repetition” may further “incentivize” children to abandon Kids Mode and sign  
27 up as an adult. *See* Olivia Figueira *et al.*, *When Kids Mode Isn’t for Kids: Investigating*  
28 *TikTok’s “Under 13” Experience*, arXiv:2507.00299v1 (2025),  
<https://arxiv.org/html/2507.00299v1>.

1 even though Defendants had actual knowledge of a child-user's age based on prior  
2 attempts to create an account, Defendants permitted children to restart the account  
3 process and create an account on the Full Access Platform.

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

8 111. In December 2016, one of TikTok's founders, Alex Zhi, confirmed the  
9 company had knowledge that "a lot of users, especially top users, they are under 13."<sup>55</sup>

10 112. TikTok's internal data confirms the young age of many of its users.  
11 TikTok's records classified 18 million of its 49 million daily users in the U.S. in 2020 as  
12 14 years or younger.<sup>56</sup>

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

16 114. According to the DOJ Complaint, the existence of under 13 users on the  
17 Full Access Platform is also known to TikTok's human moderators who review flagged  
18  
19  
20  
21

---

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

26 <sup>56</sup> 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),  
<https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html>.

28 <sup>57</sup> *Id.*



1 accounts that they suspect may belong to children under 13.<sup>58</sup>

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

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

18 117. In some instances, TikTok allowed users to create accounts on the Full  
19 Access Platform without ever inputting a birthdate. From March 2019 to at least May  
20 2022, TikTok allowed users to avoid its age gate when creating an account by allowing  
21 users to login in with credentials from third-party online services such as Instagram and  
22 Google which also did not require them to provide a birthdate. As such, children under  
23 13 years old were allowed to create TikTok accounts without entering their birthdate if  
24

25  
26 <sup>58</sup> See also Bobby Allyn *et al.*, *TikTok executives know about app's effect on teens*,  
27 *lawsuit documents allege*, NPR (Oct. 11, 2024, 5:30 AM),  
28 <https://www.npr.org/2024/10/11/g-s1-27676/tiktok-redacted-documents-in-teen-safety-lawsuit-revealed>.



1 they used other login credentials.

2 118. Defendants internally identified these TikTok accounts created with third-  
3 party login credentials as “age unknown.” According to the DOJ Complaint, this practice  
4 persisted until at least May 2022—more than three years after TikTok entered into the  
5 2019 Permanent Injunction designed to prevent its collection and use of the personal  
6 information of children. As a result, millions of children gained access to the Full Access  
7 Platform without making any representation about their age and Defendants knowingly  
8 permitted this to occur.

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

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

16 121. TikTok’s ineffective age-gating allows it to perpetuate the unlawful  
17 collection of Private Information from children without parental consent.

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

25 **6. Defendants Collected Personal Information from “Kids Mode”**  
26 **Accounts.**

27 123. Since at least March 2019, Defendants have offered in the United States  
28 Kids Mode to children who identify themselves as being under 13 years old when they

1 create an account. When a child inputs a birthdate on the account creation screen that  
2 indicates that they are under 13 years old, the platform states that the user is “about to  
3 access a TikTok experience designed just for you,” and a Kids Mode account is created.

4 124. Despite representing that Kids Mode is “designed” for children under 13  
5 years old, Defendants collect and maintain a Kids Mode user’s username, password,  
6 birthdate (day, month, and year), and in some instances email address.<sup>59</sup> TikTok may  
7 also collect device information, including the type of device used, including IP address,  
8 unique device identifiers such as device ID, web browser type and version, country-level  
9 location, certain app activity information, such as videos watched, time on the platform,  
10 and general usage information (collectively “Kids Mode Private Information”).<sup>60</sup> Kids  
11 Mode Private Information is collected without notifying parents or obtaining their  
12 consent.

13 125. In addition to using this information to support use of the platform, TikTok  
14 uses Kids Mode Private Information to provide kids with personalized content, serve  
15 contextualized advertising, as well as to perform analytics.<sup>61</sup>

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

23 \_\_\_\_\_  
24  
25 <sup>59</sup> *Children’s Privacy Policy*, TikTok,  
26 <https://www.tiktok.com/legal/page/global/privacy-policy-for-younger-users/en> (last  
updated Oct. 1, 2024).

27 <sup>60</sup> *Id.*

28 <sup>61</sup> *Id.*

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

5 128. Defendants shared Kids Mode Private Information they collected from  
6 children under 13 in Kids Mode, including persistent identifiers, with third parties  
7 without parental consent.

8 129. For example, according to the DOJ Complaint, Defendants shared this  
9 information with Facebook and AppsFlyer, a marketing analytics firm, in part to  
10 encourage existing Kids Mode users whose use had declined or ceased to use Kids Mode  
11 more frequently.<sup>62</sup> Defendants called this process “retargeting less active users.”<sup>63</sup> This  
12 practice used children’s personal information for reasons beyond support for the internal  
13 operations of Kids Mode and thus was not permitted by the COPPA Rule.

14 130. Separately, users in Kids Mode can send feedback to TikTok using the “in-  
15 app feedback form[.]”<sup>64</sup> When doing so, Defendants “collect the email address that the  
16 [c]hild provides[.]”<sup>65</sup>

17 131. According to the DOJ Complaint, between February 2019 and July 2022,  
18 for example, Defendants collected over 300,000 problem reports from users in Kids  
19 Mode that included children’s email addresses. And Defendants did not delete these  
20 children’s email addresses after processing the reports, and thus retained these email  
21

---

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

25 <sup>63</sup> *Id.*

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

28 <sup>65</sup> *Id.*

addresses longer than reasonably necessary to fulfill the purpose for which the information was collected, in violation of the COPPA Rule. *See* 16 C.F.R. § 312.10. Defendants did not notify parents of this ongoing practice.

#### **7. Defendants Ignored Parents' Requests to Delete Child Users' Data**

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

133. However, Defendants failed to create a straightforward process for parents to submit a deletion request. For example, the word "delete" does not appear in many of Defendants' online parental guidance materials, such as TikTok's "Guardian's guide,"<sup>66</sup> the "Privacy and security on TikTok"<sup>67</sup> page, and TikTok's "New user guide."<sup>68</sup>

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

135. At times, Defendants also directed parents to send their requests to delete their children's accounts and personal information to an email address, then simply

---

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

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

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

1 failed to respond in a timely manner to these requests, or simply failed to respond to  
2 them at all, per the DOJ Complaint.

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

12 137. The DOJ Complaint alleges that if the account failed to meet Defendants'  
13 rigid criteria, Defendants' policy until recently was to require parents to complete and  
14 sign an additional form confirming their relationship to the child and certifying under  
15 penalty of perjury that they were the parent or guardian of the account user. If this  
16 secondary form was not completed, Defendants would not delete the child's data.

17 138. Defendants' policies and practices subverted parents' efforts to delete their  
18 children's accounts and resulted in Defendants retaining children's account—and  
19 personal information—even though parents had identified the account users as children  
20 under 13 years of age and requested deletion of the accounts.

21 139. Defendants were aware that their flawed deletion process was resulting in  
22 children's accounts remaining on the Full Access Platform despite actual knowledge that  
23 the accounts users were children under age 13.

24 140. Despite Defendants' awareness that they were failing to respect parents'  
25 deletion requests, Defendants continued using this flawed process through 2023.

26 141. Moreover, as alleged in the DOJ Complaint, Defendants in many cases did  
27 not respond to parents' requests at all. As of late December 2020, Defendants had a  
28 backlog of thousands of emails dating back months requesting that TikTok delete

1 individual children's accounts.

2 142. Defendants' inadequate policies and inaction led to numerous children  
3 continuing to maintain TikTok accounts even though their parents had asked Defendants  
4 to delete those accounts. As alleged in the DOJ Complaint, in a sample of approximately  
5 1,700 children's TikTok accounts about which Defendants received complaints and  
6 deletion requests between March 21, 2019 and December 14, 2020, approximately 500  
7 (30%) remained active as of November 1, 2021. Several hundred of these accounts are  
8 likely still active and represent only a small fraction of the thousands of deletion requests  
9 Defendants received and failed to act on.

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

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

17 144. Defendants purport to use technology, user reports, and human moderation  
18 to identify children's TikTok accounts so that those accounts and the information  
19 collected from them can be deleted. But Defendants know their processes and policies  
20 are deficient, and they fail to delete accounts and information that even their own  
21 employees and systems identify as belonging to children.

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

28 146. Defendants' human content moderators review accounts flagged as

1 potentially belonging to children by the keyword matching process or by other methods.  
2 Similar to Defendants' restrictive approach to parental deletion requests, the content  
3 moderators who review accounts may delete them as belonging to children only if rigid  
4 criteria are satisfied.

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

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

14 149. As alleged in the DOJ Complaint, Defendants have also failed to allow  
15 content moderators sufficient time to conduct even the limited review they permit.  
16 TikTok often has tens of millions of monthly active users in the United States.  
17 Meanwhile, TikTok Inc.'s content moderation team included fewer than two dozen full-  
18 time human moderators responsible for identifying and removing material that violated  
19 all of its content-related policies, including identifying and deleting accounts of  
20 unauthorized users under age 13. At some points, TikTok's human moderators spend an  
21 average of less than 10 seconds on each review.

22 150. The deficiency of Defendants' policies is shown by the fact that Full Access  
23 Platform TikTok accounts belonging to children can be easily found by searching for the  
24 same basic terms and variations used by Defendants' keyword matching algorithm, per  
25 the DOJ Complaint. Some of these accounts have existed for long periods—able to  
26 garner hundreds of followers and hundreds or even thousands of “likes,” a sign of  
27 approval by other TikTok users.

28 151. By adhering to these deficient policies, Defendants knowingly avoided



1 deleting the accounts of users they knew to be children under 13. Instead, Defendants  
2 continue collecting and profiting from the personal information of children under 13.

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

5 152. Accounts that belong to children may also come to Defendants' attention  
6 when one user reports another user's video as violating one of Defendants' policies.  
7 According to the DOJ Complaint, those videos are then added to "video queues" and  
8 reviewed by human content moderators who review the videos to determine whether  
9 they comply with Defendants' policies. If those content moderators encounter a video  
10 that depicts a child under 13 years old, they can apply labels to designate suspected child  
11 users, such as "Content Depicting Under the Age of Admission" or "Suspected  
12 Underaged User." These moderators can remove a specific video from TikTok, but they  
13 lack authority to delete or remove the account even if it is clearly the account of a child.  
14 Instead, by applying the labels, they refer the video to the separate content moderation  
15 team that assesses whether accounts belong to underage users (the "underage queue").

16 153. As alleged in the DOJ Complaint, during the Class Period, this process has  
17 been effective. Despite Defendants' moderators tagging specific videos as depicting a  
18 child under 13 years old, the associated accounts were not actually referred to the team  
19 authorized to delete the associated account. Instead, those accounts remained live, and  
20 Defendants continued to collect and retain those children's personal information and to  
21 show them videos and messages from adult TikTok users.

22 154. Defendants conduct quality assurance reviews of the content moderation  
23 processes described above. The quality assurance reviews require content moderators to  
24 re-review a subset of previously reviewed accounts or videos. This process aims to  
25 identify instances in which TikTok content moderators incorrectly applied company  
26 policies to those accounts or videos.

27 155. As alleged in the DOJ Complaint, until at least September 2022, however,  
28 when Defendants' quality assurance analysts identified a specific account that a

1 moderator incorrectly failed to flag for deletion as belonging to a child, Defendants did  
2 not then go back and delete the account. Instead, the account remained live.  
3 Accordingly, Defendants failed to delete numerous children's accounts that their own  
4 quality assurance team specifically identified as belonging to children.

5 156. As alleged in the DOJ Complaint, even where accounts that satisfied  
6 Defendants' rigid criteria were identified as belonging to children and were marked for  
7 deletion, Defendants failed to delete many of the accounts.

8 157. As such, although Defendants were unquestionably aware of the problem  
9 and the 2019 Permanent Injunction required them to keep records of their COPPA  
10 compliance, they failed to do so.

11 158. In addition to Defendants' unlawful collection and use of the personal  
12 information of children under 13 years old, as alleged in the DOJ Complaint, Defendants  
13 retain children's personal information long after they identify an account as belonging to  
14 a child and determine they should delete information related to the account. For  
15 example, Defendants retain app activity log data related to children for 18 months.

16 159. As alleged in the DOJ Complaint, Defendants have retained children's  
17 personal information in numerous database locations long after purportedly deleting  
18 their accounts.

19 160. As alleged in the DOJ Complaint, Defendants retained profile photographs  
20 of users that Defendants knew to be children. For example, TikTok allows users to  
21 include in their videos another user's comment, which is displayed alongside the  
22 commenter's photograph and username. When Defendants did "delete" the account of a  
23 child, that child's comments remained in other users' posts, along with their photograph  
24 and username. These images had unique identifiers that tied each child's photograph,  
25 username, and comment to an account that Defendants knew had been deleted because it  
26 belonged to a child.

27 161. As alleged in the DOJ Complaint, Defendants' internal analyses show that  
28 millions of TikTok's U.S. users are children under the age of 13. For example, the

1 number of U.S. TikTok users that Defendants classified as age 14 or younger in 2020  
2 was millions higher than the U.S. Census Bureau's estimate of the total number of 13  
3 and 14 year olds in the United States, suggesting that many of those users were children  
4 younger than 13.

5 162. Upon information and belief, Defendants only classify users as age 14 and  
6 under in internal metrics, as noted above, to obscure from disclosure the number of  
7 children under the age of 13 on TikTok.

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

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

16 **1. The Children's Online Privacy Protection Act of 1998.**

17 164. Congress passed COPPA, codified at 15 U.S.C. § 6501 *et seq.*, in 1998 in  
18 response to concerns that children's online activities were being tracked by operators of  
19 websites and online services. COPPA is intended to "maintain the security of personally  
20 identifiable information of children collected online" and to "protect children's privacy  
21 by limiting the collection of personal information from children without parental  
22 consent."<sup>69</sup> The standards in COPPA have given rise to, and correlate with, accepted  
23 norms throughout society for defining the expectations of privacy for minor children.

24 165. COPPA "prohibits unfair...acts or practices in connection with the  
25 collection, use, and/or disclosure of personal information from and about children on the  
26

27  
28 <sup>69</sup> 114 Cong. Rec. S125787 (daily ed. Oct. 21, 1998) (statement of Mr. Bryan).  
44

Internet.”<sup>70</sup>

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

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

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

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

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

---

<sup>70</sup> 16 C.F.R. § 312.1.

<sup>71</sup> *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).

<sup>72</sup> 16 CFR § 312.2.

- the subject matter;
- visual content;
- the use of animated characters or child-oriented activities and incentives;
- music or other audio content;
- age of models;
- presence of child celebrities or celebrities who appeal to children;
- language or other characteristics of the website or online service;
- whether advertising promoting or appearing on the website or online service is directed to children;
- competent and reliable empirical evidence regarding audience composition; and
- evidence regarding the intended audience of the site or service.

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

171. COPPA provides, in pertinent part, that:

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

172. COPPA thus prohibits, *inter alia*, the collection of persistent identifiers for

behavioral advertising absent notice and verifiable parental consent. 16 C.F.R. §§ 312.5(c)(7), 312.2.

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

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

174. The FTC has interpreted “operators of website or online services directed to children” and “operators with actual knowledge that they are collecting personal information online from children under 13” “subject to strict liability for COPPA violations.”<sup>73</sup>

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

---

<sup>73</sup> Statement of Joseph J. Simons & Christine S. Wilson, *Regarding FTC and People of the State of New York v. Google LLC and YouTube, LLC*, Fed. Trade Comm’n (Sept. 4, 2019), [https://www.ftc.gov/system/files/documents/public\\_statements/1542922/simons\\_wilson\\_google\\_youtube\\_statement.pdf](https://www.ftc.gov/system/files/documents/public_statements/1542922/simons_wilson_google_youtube_statement.pdf).

§ 312.2.

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

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

- (1) A first and last name;
- (2) A home or other physical address including street name and name of a city or town;
- (3) Online contact information as defined in this section;
- (4) A screen or user name where it functions in the same manner as online contact information, as defined in this section;
- (5) A telephone number;
- (6) A Social Security number;
- (7) 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;

---

<sup>74</sup> *Revised Children’s Online Privacy Protection Rules Goes Into Effect Today: FTC Continues Safe Harbor Programs, Expands Business and Parental Education Efforts*, 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 (8) A photograph, video, or audio file where such file contains a child's image  
2 or voice;

3 (9) Geolocation information sufficient to identify street name and name of a  
4 city or town; or

5 (10) Information concerning the child or the parents of that child that the  
6 operator collects online from the child and combines with an identifier  
7 described in this definition.”

8 COPPA Rule, 16 C.F.R. § 312.2.

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

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

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

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

23 180. TikTok is directed to children, in part, as evident from the plethora of child-  
24 related content that TikTok serves to children on the platform under the age of 13  
25 through the users’ TikTok feeds, age-specific targeted advertising, and other content and  
26 information intended to serve an under age 13 audience. TikTok purports to avoid  
27 targeting children through its age-gating, however, these efforts have been knowingly  
28 and intentionally ineffective.

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

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

9 183. TikTok uses Kids Mode Private Information to serve contextual  
10 advertisements, even though TikTok has actual knowledge that millions of these users  
11 are below the age of 13.

12 184. Some or all of the Kids Mode Private Information is "information  
13 concerning [a] child"<sup>75</sup> regulated by the COPPA Rule. TikTok combines this Kids Mode  
14 Private Information with at least one persistent identifier that it collects from that same  
15 child.

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

21 186. Upon information and belief, for all TikTok users (including Plaintiffs),  
22 immediately upon creating an account, TikTok collects and maintains the users' device  
23 information including the type of device used, including IP address, unique device  
24 identifiers such as device ID, web browser type and version, country-level location, app  
25 activity information, such as videos watched, time on the Platform, and general usage  
26

27  
28 <sup>75</sup>16 C.F.R. § 312.2.

1 information.

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

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

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

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

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

28 192. 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.

193. 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).

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

195. 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).

196. 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).

197. 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.**

198. 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 this behavior in the 2019 Permanent Injunction but failed to do so. Defendants’ actions

1 have violated norms and laws designed to protect children – a group that society has  
2 long recognized is vulnerable to exploitation and manipulation.

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

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

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

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

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

---

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

27 <sup>77</sup> Victoria Rideout, *The Common Sense Census: Media Use By Kids Age Zero To Eight* at 3, Common  
28 Sense Media (2017),  
[https://cdn.cnn.com/cnn/2017/images/11/07/csm\\_zerotoeight\\_full.report.final.2017.pdf](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.”<sup>78</sup> 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).<sup>79</sup>

4 204. 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,<sup>80</sup> with the top concern (69 percent) being data tracking.<sup>81</sup>

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

13 206. Given the proliferation of internet-connected device usage by children  
14 under 13 years of age, coupled with parents’ privacy concerns for their children,  
15

---

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

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

22 <sup>80</sup> *Id.*

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

26 <sup>82</sup> *Survey on Children and Online Privacy, Summary of Methods and Findings*, Center  
27 for Digital Democracy, <https://democraticmedia.org/assets/resources/COPPA-Executive-Summary-and-Findings-1635879421.pdf> (last visited July 10, 2025).  
28



Defendants past acknowledgment of its failure to adequately protect children including its Court Ordered promise to remediate its practices, renders Defendants' conduct highly offensive and an egregious breach of social norms.

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

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

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

209. These protections include age restrictions on the use of addictive or dangerous products such as tobacco, firearms, alcohol, and gambling *and* restrictions on advertising directed towards young children concerning the same. This dual pronged approach of restricting access/use and advertising is rooted in societal consensus that children, by virtue of their developmental stage, require heightened safeguards to ensure



1 their health, well-being, and future potential.<sup>83</sup>

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

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

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

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

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

22 214. Defendants' unlawful collection and exploitation of the Private Information

---

23  
24 <sup>83</sup> See, e.g. *Family Smoking Prevention and Tobacco Control Act*, 21 U.S.C. §§ 387a-  
25 387u (restricting manufacture, marketing, and distribution of tobacco products to  
26 protect the public health generally and to reduce tobacco use by minors); *Stop Tobacco*  
27 *Access to Kids Enforcement (STAKE) Act*, Cal. Bus. & Prof. Code § 22958 (West 2016)  
28 (restricting sale of tobacco products in California to people 21 years of age or older);  
*National Minimum Drinking Age Act of 1984*, 23 U.S.C. § 158 (1984) (establishing  
minimum age requirement of 21 years old to drink alcohol).

1 and Kids Mode Private Information of Plaintiffs and the Members of the Classes have  
2 destroyed the private quality of the Private Information and Kids Mode Private  
3 Information and have deprived Plaintiffs and the Members of the Classes of the ability to  
4 determine whether or not to keep their Private Information and Kids Mode Private  
5 Information private and when or if to sell their Private Information and Kids Mode  
6 Private Information —valuable aspects of their rights of ownership that were of  
7 paramount importance to Plaintiffs and the Members of the Classes in this case – and,  
8 thus, diminished the value of the Private Information and Kids Mode Private  
9 Information.

10 **1. Private Information and Kids Mode Private Information Are Assets**  
11 **That Have Economic Value.**

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

16 216. Research on the market for personal information dates back well before the  
17 Class Period,<sup>84</sup> and demonstrates a growing consensus that consumers' sensitive and  
18 valuable personal information would become the new frontier of financial exploit.

19 217. Professor Paul M. Schwartz noted in the Harvard Law Review:  
20 Personal information is an important currency in the new  
21 millennium. The monetary value of personal data is large and  
22 still growing, and corporate America is moving quickly to  
23 profit from the trend. Companies view this information as a  
24 corporate asset and have invested heavily in software that  
25 facilitates the collection of consumer information.<sup>85</sup>

---

26 <sup>84</sup> Kenneth C. Laudon, *Markets and Privacy*, Int'l Conf. on Info. System. (Revised  
27 Draft Version July 1993),  
28 [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1284878](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1284878).

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

1           218. Likewise, in *The Wall Street Journal*, former fellow at the Open Society  
2 Institute (and current principal technologist at the ACLU) Christopher Soghoian noted:  
3           The dirty secret of the Web is that the “free” content and  
4           services that consumers enjoy come with a hidden price: their  
5           own private data. Many of the major online advertising  
6           companies are not interested in the data that we knowingly and  
7           willingly share. Instead, these parasitic firms covertly track our  
8           web-browsing activities, search behavior and geolocation  
9           information. Once collected, this mountain of data is analyzed  
10          to build digital dossiers on millions of consumers, in some  
11          cases identifying us by name, gender, age as well as the  
12          medical conditions and political issues we have researched  
13          online.<sup>86</sup>

14          219. As the thirst has grown for personal information,<sup>87</sup> it has become apparent  
15          that the world’s most valuable resource is no longer oil, but instead consumers’ data in  
16          the form of their personal information.<sup>88</sup>

---

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

20 <sup>87</sup> *Exploring the Economic of Personal Data: A Survey of Methodologies for Measuring*  
21 *Monetary Value* at 7, OECD Digital Economy Paper No. 220 (Apr. 2, 2013),  
22 <http://dx.doi.org/10.1787/5k486qtxldmq-en>; *Supporting Investment in Knowledge*  
23 *Capital, Growth and Innovation* at 319, OECD, (Oct. 10, 2013),  
24 <https://doi.org/10.1787/9789264193307-en>; Pauline Glickman & Nicolas Glady, *What’s*  
25 *the Value of Your Data?*, TechCrunch (Oct. 13, 2015)  
26 <https://techcrunch.com/2015/10/13/whats-the-value-of-your-data/>; Paul Lewis & Paul  
27 Hilder, *Former Cambridge Analytica exec says she wants lies to stop*, The Guardian  
28 (March 23, 2018) [https://www.theguardian.com/uk-news/2018/mar/23/former-](https://www.theguardian.com/uk-news/2018/mar/23/former-cambridge-analytica-executive-brittany-kaiser-wants-to-stop-lies)  
[cambridge-analytica-executive-brittany-kaiser-wants-to-stop-lies](https://www.theguardian.com/uk-news/2018/mar/23/former-cambridge-analytica-executive-brittany-kaiser-wants-to-stop-lies); Shoshanna Zuboff,  
*The Age of Surveillance Capitalism, The Fight for a Human Future at the New Frontier*  
*of Power*, Hachette Book Group (2019).

<sup>88</sup> *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-](https://www.economist.com/leaders/2017/05/06/the-worlds-most-valuable-resource-is-no-longer-oil-but-data)  
[no-](https://www.economist.com/leaders/2017/05/06/the-worlds-most-valuable-resource-is-no-longer-oil-but-data)  
[longer-oil-but-data](https://www.economist.com/leaders/2017/05/06/the-worlds-most-valuable-resource-is-no-longer-oil-but-data).

220. 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.<sup>89</sup> 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:



221. Similarly, another study employed a detailed methodology to understand how users value their personal information in exchange for internet-based services.<sup>90</sup> Participants installed a browser plugin that logged their web browsing activities, including the URLs visited and the time of access.<sup>91</sup> The plugin also categorized the

<sup>89</sup> 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>.

<sup>90</sup> 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>.

<sup>91</sup> *Id.*

1 websites into eight predefined categories: Email, Entertainment, Finance, News, Search,  
2 Shopping, Social, and Health and asked participants questions designed to gather  
3 information about their perceptions of privacy, their knowledge of how their personal  
4 information might be monetized, and their valuation of specific pieces of PI as they  
5 visited certain websites.<sup>92</sup> To calculate the value users placed on their personal  
6 information, the researchers employed a reverse second-price auction mechanism in  
7 which participants bid on the minimum amount of money they would accept to sell  
8 specific pieces of their personal information in exchange for internet-based services they  
9 were using.<sup>93</sup>

10 222. The results of the study were the following personal information valuations:

- 11 • Offline information (age address, economic stats): €25 (~\$29.44)
- 12 • Browsing History: €7 (~\$8.24)
- 13 • Interactions on social networks: €12 (~14.13)
- 14 • Search History: €2 (~\$2.36)
- 15 • Shopping Activity: €5 (~\$5.89)
- 16 • What these studies, and others<sup>94</sup> show is that individuals place an economic  
17 value on their personal information and are willing to engage in economic  
18 transactions in which they grant access to their personal information in  
19 exchange for internet-based services. Defendants' unauthorized collection of

---

22 <sup>92</sup> *Id.*

23 <sup>93</sup> *Id.*

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

1 personal information of Plaintiffs and Members of the Classes deprived them  
2 of this opportunity.

3 223. Similarly, BIGtoken “is a platform to own and earn from your data. You  
4 can use the BIGtoken application to manage your digital data and identity and earn  
5 rewards when your data is purchased.”<sup>95</sup>

6 224. The Nielsen Company, famous for tracking the behavior of television  
7 viewers’ habits, has extended its reach to computers and mobile devices through the  
8 Nielsen Computer and Mobile Panel. By installing the application on a consumer’s  
9 computer, phone, tablet, e-reader, or other mobile device, Nielsen tracks the user’s  
10 activity, enters that user into sweepstakes with monetary benefits, and allows the user to  
11 earn points worth up to \$50 per month.<sup>96</sup>

12 225. Technology companies recognize the monetary value of users’ personal  
13 information, insofar as they encourage users to install applications explicitly for the  
14 purpose of selling that information to technology companies in exchange for monetary  
15 benefits.<sup>97</sup>

---

16  
17 <sup>95</sup> *FAQ*, BIGtoken,  
18 <https://web.archive.org/web/20201230225507/https://bigtoken.com/faq> (Accessed Dec.  
19 16, 2024) (“Third-party applications and sites access BIGtoken to learn more about  
20 their consumers and earn revenue from data sales made through their platforms. Our  
21 BIG promise: all data acquisition is secure and transparent, with consumers made fully  
22 aware of how their data is used and who has access to it.”).

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

25 <sup>97</sup> Kari Paul, *Google launches app that will pay users for their data*, The Guardian  
26 (June 11, 2019), [https://www.theguardian.com/technology/2019/jun/11/facebook-user-](https://www.theguardian.com/technology/2019/jun/11/facebook-user-data-app-privacy-study)  
27 [data-app-privacy-study](https://www.theguardian.com/technology/2019/jun/11/facebook-user-data-app-privacy-study);  
28 Saheli Roy Choudhury & Ryan Browne, *Facebook pays teens to install an app that could collect all kinds of data*, CNBC (Jan. 30, 2019),  
<https://www.cnbc.com/2019/01/29/facebook-paying-users-to-install-app-to-collect->



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

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

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

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

229. As alleged above, Plaintiffs and Class Members data has massive economic value.

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

231. As a result of TikTok’s unlawful data collection, TikTok’s algorithms now incorporate ill-gotten valuable data from millions of children’s accounts. The insights

---

data-techcrunch.html; Jay Peters, *Facebook will now pay you for your voice recordings*, The Verge (Feb. 20, 2020), <https://www.theverge.com/2020/2/20/21145584/facebook-pay-record-voice-speech-recognition-viewpoints-pronunciations-app>.



Defendants glean from users' viewing sessions will enable TikTok to use the Private Information and Kids Mode Private Information of children under 13 to target them for potentially the duration of their lives and will solidify TikTok's market dominance in providing child-directed content.

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

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

234. Defendants' unlawful exploitation of the Private Information and Kids Mode Private Information of Plaintiffs and Class Members has, thus, diminished the value of that information, causing Plaintiffs and Class Members to suffer economic loss 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.**

235. 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.

236. 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.

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

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

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

16           240. Money damages alone will not protect Plaintiffs and the Class Members  
17 from the non-economic harms posed by the misuse of their personal information in  
18 violation of COPPA nor from TikTok's impermissible profit from this misconduct.  
19 Thus, Plaintiffs and Class Members have no adequate remedy at law. To the extent that  
20 money damages, if available, would constitute an adequate remedy at law barring  
21 recovery, Plaintiffs and Class Members assert their claims for the equitable relief set  
22 forth herein as an alternative remedy pending a final determination of the availability of  
23 a remedy at law.

24           241. For these reasons, Plaintiffs and Class Members seek entry of a permanent  
25 injunction (a) requiring TikTok to destroy all personal information of Plaintiffs and  
26 Class Members in its possession that was collected in violation of COPPA; (b) requiring  
27 TikTok to notify each Plaintiff and Class member that his or her personal information  
28 was collected and has been destroyed; (c) restraining TikTok from directly or indirectly

1 using or benefitting from the personal information of Plaintiffs and Class Members that  
2 it wrongly collected, including precluding the use of any Plaintiff's or Class Member's  
3 data profile developed, in whole or in part, on such improperly collected information for  
4 the purpose of serving targeted or behavioral advertising; and (d) requiring TikTok to  
5 relinquish all ill-gotten gains.

6 **V. ALLEGATIONS RELATING TO PLAINTIFFS**

7 **A. Plaintiff J.C., a minor, by and through their parent and guardian ad litem,**  
8 **Jody Villanueva**

9 242. This action is brought on J.C.'s behalf by Plaintiff Jody Villanueva.

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

12 244. J.C. created a TikTok account when J.C. was approximately 8 years old.

13 245. During the Class Period, Defendants collected J.C.'s Private Information  
14 for the purpose of tracking J.C.'s activity and utilizing targeted advertisements.

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

20 247. TikTok collected J.C.'s activity on the platform, including J.C.'s comments,  
21 direct messages, "likes and favorites", posts, recently deleted posts, login history, search  
22 history, share history, and watch history.

23 248. TikTok also collected information about J.C.'s profile, including J.C.'s  
24 blocked users list, followers list, following list, profile photo, username, telephone  
25 number, and "bio description."  
26  
27  
28

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

```
Date: 2024-11-29 22:30:14
Search Term: 12 you old makesup

Date: 2024-11-29 22:29:17
Search Term: 12 you old makesup

Date: 2024-11-29 22:28:49
Search Term: 12 yr old girl trends

Date: 2024-11-29 22:28:34
Search Term: 12 yr old girl friends
```

250. Defendants are maintaining or are able to generate a DYD file containing part, but not all, of the information it collects about J.C.

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

252. 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.

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

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

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

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

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

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

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

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

5 259. TikTok collected A.J.'s activity on the platform, including A.J.'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 A.J.'s "Off TikTok Activity".

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

12 261. TikTok collected information from A.J.'s account that made it clear that  
13 A.J. was under 13 years old.

14 262. Defendants are maintaining or are able to generate a DYD file containing  
15 part, but not all, of the information it collects about A.J.

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

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

23 265. A.J. is likely to use TikTok in the future and seeks protection from  
24 Defendants' continuing violations of COPPA protections.

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

27 266. This action is brought on B.M.'s behalf by Plaintiff Marcelo Muto.

28 267. During the Class Period, B.M. created and used a Musical.ly account (while

1 under the age of 13) that was later transferred to a TikTok account. B.M. viewed content  
2 on the TikTok platform.

3 268. B.M. created a TikTok account when B.M. was no older than 12 years old.

4 269. During the Class Period, Defendants collected B.M.'s Private Information  
5 for the purpose of tracking B.M.'s activity and utilizing targeted advertisements.

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

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

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

16 273. 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.

20 274. B.M. is likely to use TikTok in the future and seeks protection from  
21 Defendants' continuing violations of COPPA protections.

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

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

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

27 277. L.F. created a TikTok account when L.F. was approximately 11 or 12 years  
28 old.



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

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

8 280. Defendants are maintaining or are able to generate a DYD file containing  
9 part, but not all, of the information it collects about L.F.

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

13 282. 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.

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

19 **E. Plaintiff D.M., a minor, by and through their parent and guardian ad litem,**  
20 **Darryl Maultsby**

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

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

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

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

27 288. During the Class Period, the information that Defendants collected for the  
28 purpose of tracking D.M.'s activity and utilizing target advertisements included the



1 videos D.M. watched on the TikTok platform, the time D.M. spent watching each video,  
2 and D.M.'s time spent on the TikTok platform. TikTok combined this information with  
3 persistent identifiers as part of D.M.'s user profile.

4 289. Defendants are maintaining or are able to generate a DYD file containing  
5 part, but not all, of the information it collects about D.M.

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

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

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

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

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

17 294. During the Class Period, D.G. created and used a Musical.ly Account  
18 (while under the age of 13) that was later transferred to a TikTok account. D.G. viewed  
19 content on the TikTok platform.

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

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

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

1 298. Defendants are maintaining or are able to generate a DYD file containing  
2 part, but not all, of the information it collects about D.G.

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

6 300. 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.

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

12 **G. Plaintiff A.B., a minor, by and through their parent, Christina Middleton**

13 302. This action is brought on A.B.'s behalf by Plaintiff Christina Middleton.

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

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

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

23 306. Defendants are maintaining or are able to generate a DYD file containing  
24 part, but not all, of the information it collects about A.B.

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

28 308. 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.

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

6 **H. Plaintiff A.L., a minor, by and through their parent, Tatum Dunne**

7 310. This action is brought on A.L.'s behalf by Plaintiff Tatum Dunne.

8 311. A.L. created a TikTok account when A.L. was approximately 7 or 8 years  
9 old.

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

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

17 314. Defendants are maintaining or are able to generate a DYD file containing  
18 part, but not all, of the information it collects about A.L.

19 315. Defendants never obtained consent from nor notified A.L.'s parent, Tatum  
20 Dunne, at any point prior to or during its collection and use of A.L.'s Private  
21 Information.

22 316. 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.

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

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

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

319. 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.

320. M.G. created a TikTok account when M.G. was approximately 11 years old.

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

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

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

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

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

```
{
  "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,
Original - Just Add Milk"
},
{
```

326. Defendants are maintaining or are able to generate a DYD file containing part, but not all, of the information it collects about M.G.

327. Defendants never obtained consent from nor notified M.G.'s parent and legal guardian, Valerie Gates, at any point prior to or during its collection and use of

1 M.G.'s Private Information.

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

6 329. M.G. is likely to use TikTok in the future and seeks protection from  
7 Defendants' continuing violations of COPPA protections.

8 **J. Plaintiff V.M., a minor, by and through their parent, Ebony Nielsen**

9 330. This action is brought on V.M.'s behalf by Plaintiff Ebony Nielsen.

10 331. V.M. created a TikTok account when V.M. was approximately 8 years old.

11 332. During the Class Period, Defendants collected V.M.'s Private Information  
12 for the purpose of tracking V.M.'s activity and utilizing targeted advertisements.

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

18 334. Defendants are maintaining or are able to generate a DYD file containing  
19 part, but not all, of the information it collects about V.M.

20 335. Defendants never obtained consent from nor notified V.M.'s parent and  
21 legal guardian, Ebony Nielsen, at any point prior to or during its collection and use of  
22 V.M.'s Private Information.

23 336. 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.

27 337. V.M. is likely to use TikTok in the future and seeks protection from  
28 Defendants' continuing violations of COPPA protections.

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

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

339. Z.B. created a TikTok account when Z.B. was approximately 6 years old.  
I.B. created a TikTok account when I.B. was approximately 6 years old.

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

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

342. Defendants are maintaining or are able to generate a DYD file containing part, but not all, of the information it collects about Z.B. and I.B.

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

344. 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.

345. Z.B. and I.B. are likely to use TikTok in the future and seeks protection from Defendants' continuing violations of COPPA protections.

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

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

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

1 348. K.F. created a TikTok account when K.F. was approximately 9 or 10 years  
2 old.

3 349. During the Class Period, Defendants collected K.F.'s Private Information  
4 for the purpose of tracking K.F.'s activity and utilizing targeted advertisements.

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

10 351. TikTok collected K.F.'s activity on the platform, including K.F.'s  
11 comments, direct messages, "likes and favorites", posts, login history, search history,  
12 share history, watch history, and browsing history on TikTok Shop. TikTok also  
13 collected K.F.'s "Off TikTok Activity".

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

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

19 

```
    },  
    {  
      "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  
Chucky :)",  
      "photo": "N/A",  
      "url": ""  
    }  
  ],
```

22 354. Defendants are maintaining or are able to generate a DYD file containing  
23 part, but not all, of the information it collects about K.F.

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

27 356. Defendants were bound by the 2019 Permanent Injunction that prohibited  
28 Defendants from collecting personal information from children under the age of 13, and



1 therefore this conduct could not have reasonably been discovered earlier through  
2 investigation.

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

5 **M. Plaintiff J.W., a minor, by and through their parent and guardian ad litem,**  
6 **Kayla Jaramillo**

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

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

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

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

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

18 363. TikTok collected J.W.'s activity on the platform, including J.W.'s  
19 comments, direct messages, "likes and favorites", posts, recently deleted posts, login  
20 history, search history, share history, watch history, and browsing history on TikTok  
21 Shop. TikTok also collected J.W.'s "Off TikTok Activity".

22 364. TikTok collected information about J.W.'s profile, including J.W.'s  
23 followers list, following list, profile photo, username, email address, and "bio  
24 description."

25 365. Defendants are maintaining or are able to generate a DYD file containing  
26 part, but not all, of the information it collects about J.W.

27 366. Defendants never obtained consent from nor notified J.W.'s parent and  
28 legal guardian, Kayla Jaramillo, at any point prior to or during its collection and use of

1 J.W.'s Private Information.

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

6 368. J.W. is likely to use TikTok in the future and seeks protection from  
7 Defendants' continuing violations of COPPA protections.

8 **N. Plaintiff S.T., a minor, by and through their parent, Samuel Tsou**

9 369. This action is brought on S.T.'s behalf by Plaintiff Samuel Tsou.

10 370. During the Class Period, S.T. created and used a Kids Mode account (while  
11 under the age of 13). S.T. viewed content on the TikTok platform authorized for users  
12 under 13.

13 371. S.T. created a Kids Mode TikTok account when S.T. was 12 years old.

14 372. During the Class Period, Defendants collected S.T.'s Kids Mode Private  
15 Information for the purpose of tracking S.T.'s activity.

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

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

23 375. Defendants never obtained consent from nor notified S.T.'s parent, Samuel  
24 Tsou, at any point prior to or during its collection and use of S.T.'s Kids Mode Private  
25 Information.

26 376. 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.

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

4 **O. Plaintiff I.T., a minor, by and through their parent, Yeni Castro**

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

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

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

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

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

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

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

21 385. 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.

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

27 **P. Plaintiff E.B., a minor, by and through their parent, Ebony Baker**

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

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

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

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

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

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

13 393. Defendants never obtained consent from nor notified E.B.'s parent, Ebony  
14 Baker, at any point prior to or during its collection and use of E.B.'s Private Information.

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

19 395. E.B. is likely to use TikTok in the future and seeks protection from  
20 Defendants' continuing violations of COPPA protections.

## 21 VI. TOLLING, ESTOPPEL AND RELATION BACK

### 22 A. Discovery Rule Tolling

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

27 397. Neither Plaintiffs nor any other Members of the Classes, through the  
28 exercise of reasonable diligence, could have discovered the conduct alleged herein as

1 Defendants purported to be abiding by the terms of a Permanent Injunction that  
2 prohibited the subject conduct. Further, Plaintiffs and the Members of the Classes did  
3 not discover and did not know of facts that would have caused a reasonable person to  
4 suspect that Defendants were engaged in the conduct alleged herein.

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

8 **B. Tolling of Statute of Limitations**

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

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

20 **C. Estoppel**

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

24 402. Defendants therefore are estopped from relying on any statutes of  
25 limitations in defense of this action.

26 **VII. CLASS ACTION ALLEGATIONS**

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

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

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

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

12 **A. Multistate Intrusion Upon Seclusion Class**

13 407. Plaintiffs B.M., A.J., J.C., S.T., L.F., A.B., A.L., Z.B., I.B. K.F. and J.W by  
14 and through their respective parents and guardians ("Multistate Intrusion Upon  
15 Seclusion Plaintiffs"), seek class certification for the common law claim of intrusion  
16 upon seclusion under the substantially similar laws of Alabama, Alaska, Arizona,  
17 Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois,  
18 Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi,  
19 Missouri, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio,  
20 Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont,  
21 Washington, West Virginia, and Wyoming, on behalf of a Multistate Intrusion Upon  
22 Seclusion Class defined as follows:

23 All persons residing in Alabama, Alaska, Arizona, Arkansas,  
24 California, Colorado, Connecticut, Delaware, Georgia, Hawaii,  
25 Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine,  
26 Maryland, Minnesota, Mississippi, Missouri, Nevada, New  
27 Hampshire, New Jersey, New Mexico, North Carolina, Ohio,  
28 Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee,  
Texas, Utah, Vermont, Washington, West Virginia, and  
Wyoming (who were younger than 13 years old when they

1 used TikTok) from whom Defendants collected and/or used  
2 Private Information and Kids Mode Private Information during  
3 the Class Period without first notifying their parents and  
obtaining verified parental consent beforehand.

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

8 **B. Multistate Unjust Enrichment Class**

9 409. Plaintiffs B.M., A.J., J.C., S.T., L.F., D.M., D.G., E.B., A.B., A.L., M.G.,  
10 V.M., I.T., Z.B., I.B., K.F. and J.W by and through their respective parents and  
11 guardians seek (“Multistate Unjust Enrichment Plaintiffs”) class certification of an  
12 unjust enrichment class under the substantially similar laws of Alabama, Alaska,  
13 Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois,  
14 Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan,  
15 Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New  
16 Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon,  
17 Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont,  
18 Virginia, Washington, West Virginia, and Wisconsin, on behalf of a Multistate Unjust  
19 Enrichment Class defined as follows:

20 All persons residing in Alabama, Alaska, Arkansas, California,  
21 Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho,  
22 Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland,  
23 Massachusetts, Michigan, Minnesota, Mississippi, Missouri,  
24 Montana, Nebraska, Nevada, New Hampshire, New Jersey,  
25 New Mexico, New York, North Carolina, Ohio, Oklahoma,  
26 Oregon, Pennsylvania, Rhode Island, South Carolina, South  
27 Dakota, Tennessee, Utah, Vermont, Virginia, Washington,  
28 West Virginia, and Wisconsin (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



1 notifying their parents and obtaining verified parental consent  
2 beforehand.

3 410. Alternatively, Plaintiffs B.M., A.J., J.C., S.T., L.F., D.M., D.G., E.B., A.B.,  
4 A.L., M.G., V.M., I.T., Z.B., I.B., K.F. and J.W by and through their respective parents  
5 and guardians, seek class certification for unjust enrichment under the law in the state in  
6 which they reside.

7 **C. State Classes:**

8 **1. The California Class**

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

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

20 **2. The Connecticut Class**

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

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

**3. The Florida Class**

413. Plaintiffs D.M. and D.G. 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**

414. Plaintiff E.B., through their parent Ebony Baker, seek class certification for the violation of the Georgia Fair Business Practices Act, Ga. Code Ann. § 10-1-390 *et seq.*, as well as a common law claim of negligence, on behalf of a Georgia class defined as follows:

All persons residing in the State of Georgia (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.

**5. The Missouri Class**

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

All persons residing in the State of Missouri (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.

**6. The New York Class**

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

All persons residing in the State of New York (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.

**7. The Pennsylvania Class**

417. Plaintiffs Z.B. and I.B. through their parent Steven Burda, seek class 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:

All persons residing in the State of Pennsylvania (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.

**8. The Washington Class**

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

All persons residing in the State of 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 without first notifying their parents and obtaining verified parental consent beforehand.

1           419. Plaintiffs reserve the right to modify or refine any of the Class definitions  
2 based upon discovery of new information and in order to accommodate any of the  
3 Court's manageability concerns.

4           420. **Ascertainability.** The proposed Classes are readily ascertainable because  
5 they are defined using objective criteria so as to allow class Members to determine if  
6 they are part of a Class. Further, the Classes can be identified through records  
7 maintained by Defendants.

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

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

- 15           a. Whether Defendants collected the Private Information and Kids Mode  
16 Private Information of children under 13;
- 17           b. Whether Defendants operate a website or online service directed at children  
18 under the age of 13 as defined by COPPA;
- 19           c. Whether Defendants had knowledge they were collecting the Private  
20 Information and Kids Mode Private Information of children under 13;
- 21           d. Whether Defendants notified parents as required by COPPA prior to  
22 collecting the Private Information and Kids Mode Private Information of  
23 children under 13;
- 24           e. Whether Defendants obtained verifiable parental consent as required by  
25 COPPA prior to collecting the Private Information and Kids Mode Private  
26 Information of children under 13;
- 27           f. Whether the collection of Private Information and Kids Mode Private  
28 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.

423. **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.

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

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

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

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

1 awarded by the Court is appropriate as to the Classes as a whole.

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

5 428. Collectively, the Multistate Intrusion Upon Seclusion Class, the Multistate  
6 Unjust Enrichment Class and the State Classes are referred to herein as “the Classes”  
7 and their collective membership as the “Members of the Classes.”

## 8 **VIII. CLAIMS FOR RELIEF**

### 9 **CLAIM 1 — MULTISTATE INTRUSION UPON SECLUSION** 10 **(Against All Defendants by Multistate Intrusion Upon Seclusion Plaintiffs)**

11 429. The Multistate Intrusion Upon Seclusion Plaintiffs and Members of the  
12 Multistate Intrusion Upon Seclusion Class re-allege the foregoing allegations as if fully  
13 set forth herein.

14 430. Under the laws of the States of Alabama, Alaska, Arizona, Arkansas,  
15 California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois, Iowa,  
16 Kansas, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi, Missouri,  
17 Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma,  
18 Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Washington,  
19 West Virginia, and Wyoming, the Multistate Intrusion Upon Seclusion Plaintiffs and  
20 Members of the Multistate Intrusion Upon Seclusion Class assert a claim for intrusion  
21 upon seclusion.

22 431. The Multistate Intrusion Upon Seclusion Plaintiffs and Members of the  
23 Multistate Intrusion Upon Seclusion Class possess a legally protected interest in their  
24 Private Information and Kids Mode Private Information, including their personal  
25 information as defined by COPPA, which includes first and last name, age, email  
26 address, phone number, persistent identifiers for the device(s) used to access TikTok,  
27 social media account information, and profile image(s), as well as photographs, videos,  
28 and audio files containing the user’s image and voice and the metadata associated with



1 such media (such as when, where, and by whom the content was created), usage  
2 information, device information, location data, image and audio information, metadata,  
3 and data from cookies and similar technologies that track users across different websites  
4 and platforms.

5 432. The Multistate Intrusion Upon Seclusion Plaintiffs and Members of the  
6 Multistate Intrusion Upon Seclusion Class, maintained a reasonable expectation that  
7 when using TikTok, Defendants would not collect and/or use their Private Information  
8 and Kids Mode Private Information.

9 433. The Multistate Intrusion Upon Seclusion Plaintiffs' and Members of the  
10 Multistate Intrusion Upon Seclusion Class's reasonable expectation of privacy was  
11 supported by COPPA's prohibition on TikTok collecting and/or using personal  
12 information from children under 13 years of age unless TikTok directly notified their  
13 parents and obtained verifiable parental consent.

14 434. Defendants intentionally intruded upon the seclusion of the Multistate  
15 Intrusion Upon Seclusion Plaintiffs and Members of the Multistate Intrusion Upon  
16 Seclusion Class by improperly collecting and using their personal information without  
17 obtaining consent.

18 435. Defendants intentionally intruded upon the Multistate Intrusion Upon  
19 Seclusion Plaintiffs' and Members of the Multistate Intrusion Upon Seclusion Class's  
20 seclusion by improperly collecting and using their personal information, without  
21 providing direct notice to their parents or obtaining verifiable parental consent, as  
22 required by COPPA.

23 436. Defendants' intrusion upon the seclusion of the Multistate Intrusion Upon  
24 Seclusion Plaintiffs and Members of the Multistate Intrusion Upon Seclusion Class was  
25 substantial, and would be highly offensive to a reasonable person, constituting an  
26 egregious breach of social norms, as is evidenced by consumer surveys, and academic  
27 studies detailing the harms of tracking children online, centuries of common law, state  
28 and federal statutes and regulations including COPPA and FTC regulations, legislative

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

437. Defendants' intrusion upon the seclusion of the Multistate Intrusion Upon Seclusion Plaintiffs and Members of the Multistate Intrusion Upon Seclusion Class was also substantial and highly offensive to a reasonable person, constituting an egregious breach of social norms because TikTok uses the collected personal information for an improper purpose, including by targeting the Multistate Intrusion Upon Seclusion Plaintiffs and Members of the Multistate Intrusion Upon Seclusion Class with behavioral advertising.

438. None of the Multistate Intrusion Upon Seclusion Plaintiffs, Members of the Multistate Intrusion Upon Seclusion Class, nor their parents and/or guardians consented to Defendants' collection and use of their personal information.

439. The Multistate Intrusion Upon Seclusion Plaintiffs and Members of the Multistate Intrusion Upon Seclusion Class suffered actual and concrete injury as a result of Defendants' intrusion upon their seclusion.

440. The Multistate Intrusion Upon Seclusion Plaintiffs and Members of the Multistate Intrusion Upon Seclusion Class seek appropriate relief for that injury, including but not limited to damages that will reasonably compensate them for the harm to their privacy interests, risk of future invasions of privacy, restitution, disgorgement of profits made by Defendants as a result of their invasion of the Multistate Intrusion Upon Seclusion Plaintiffs' and Members of the Multistate Intrusion Upon Seclusion Class's privacy, punitive damages, and any other relief that the Court may deem just and proper.

**CLAIM 2 — MULTISTATE UNJUST ENRICHMENT CLAIM**  
**(Against All Defendants by Multistate Unjust Enrichment Plaintiffs)**

441. The Multistate Unjust Enrichment Plaintiffs and Members of the Multistate Unjust Enrichment Class incorporate and reallege all allegations set forth above.

1           442. Under the laws of the States of Alabama, Alaska, Arkansas, California,  
2 Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas,  
3 Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi,  
4 Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico,  
5 New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island,  
6 South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West  
7 Virginia, and Wisconsin, the Multistate Unjust Enrichment Plaintiffs and Members of  
8 the Multistate Unjust Enrichment Class assert a claim for unjust enrichment.

9           443. By virtue of the unlawful and unfair conduct alleged herein, Defendants  
10 have realized millions of dollars in revenue from their collection and use of the Private  
11 Information of the Multistate Unjust Enrichment Plaintiffs and Members of the  
12 Multistate Unjust Enrichment Class through behavioral advertising and  
13 commercialization of Plaintiffs' personal information.

14           444. Defendants' ill-gotten gains were monetary benefits conferred upon  
15 Defendants by the Multistate Unjust Enrichment Plaintiffs and Members of the  
16 Multistate Unjust Enrichment Class. It would be inequitable and unjust to permit any of  
17 the Defendants to retain the economic benefits they have obtained through advertising  
18 and commercialization derived from the Private Information of the Multistate Unjust  
19 Enrichment Plaintiffs and Members of the Multistate Unjust Enrichment Class.

20           445. Defendants will be unjustly enriched if they are permitted to retain the  
21 economic benefits conferred upon them by the Multistate Unjust Enrichment Plaintiffs  
22 and Members of the Multistate Unjust Enrichment Class through their unlawful, unfair,  
23 unauthorized, and impermissible use of the Private Information of the Multistate Unjust  
24 Enrichment Plaintiffs and Members of the Multistate Unjust Enrichment Class, and  
25 allowing Defendants to retain the profits from their unlawful, unauthorized, and  
26 impermissible use of the Private Information of the Multistate Unjust Enrichment  
27 Plaintiffs and Members of the Multistate Unjust Enrichment Class would be unjust and  
28 contrary to public policy.

1 446. The Multistate Unjust Enrichment Plaintiffs and Members of the Multistate  
2 Unjust Enrichment Class are therefore entitled to recover the amounts realized by the  
3 Defendants at the expense of the Multistate Unjust Enrichment Plaintiffs and Members  
4 of the Multistate Unjust Enrichment Class.

5 447. Defendants knew and appreciated that they were receiving monetary  
6 benefits due to the Multistate Unjust Enrichment Plaintiffs and Members of the  
7 Multistate Unjust Enrichment Class having TikTok accounts. Defendants' business  
8 model is to monetize TikTok accounts by serving them with targeted behavioral  
9 advertising.

10 448. The Multistate Unjust Enrichment Plaintiffs and Members of the Multistate  
11 Unjust Enrichment Class have no adequate remedy at law. They do not seek to recover  
12 in this claim for their own economic harm and have no adequate remedy at law that  
13 would divest Defendants of their ill-gotten and unjust profits. Furthermore, unjust  
14 enrichment is more prompt, efficient, and certain than the monetary damages that  
15 Plaintiffs seek.

16 449. To the extent that money damages, if available, would constitute an  
17 adequate remedy at law barring recovery under this claim, the Multistate Unjust  
18 Enrichment Plaintiffs and Members of the Multistate Unjust Enrichment Class assert  
19 their claim for non-restitutionary disgorgement as an alternative remedy.

20 450. The Multistate Unjust Enrichment Plaintiffs and Members of the Multistate  
21 Unjust Enrichment Class are entitled to non-restitutionary disgorgement of Defendants'  
22 ill-gotten gains, and/or the imposition of a constructive trust to recover the amount of  
23 Defendants' ill-gotten gains.

24 **A. CALIFORNIA CLAIMS**

25 **CLAIM 3 — CALIFORNIA CONSTITUTIONAL RIGHT TO PRIVACY,**  
26 **CAL. CONST. ART. 1, § 1.**

27 **(Against All Defendants by Plaintiffs J.C., A.J. B.M. and S.T. by and through their**  
28 **parents and guardians ad litem and the California Class)**

451. Plaintiff J.C., a minor, by and through their parent and guardian ad litem,

1 Jody Villanueva, Plaintiff A.J., a minor, by and through their guardian ad litem, Alexis  
2 Douglas, Plaintiff B.M., a minor, by and through their guardian ad litem, Marcelo Muto,  
3 and S.T., by and through their parent Samuel Tsou (“California Plaintiffs”), and  
4 Members of the California Class re-allege the foregoing allegations as if fully set forth  
5 herein.

6 452. The California constitution’s right to privacy confers a privacy right of  
7 action to California Plaintiffs and California Class Members against private entities,  
8 such as Defendants.

9 453. Article, 1, section 1 of the California Constitution states: “All people are by  
10 nature free and independent and have inalienable rights. Among these are enjoying and  
11 defending life and liberty, acquiring, possessing, and protecting property and pursuing  
12 and obtaining safety, happiness, *and privacy*.”

13 454. The California Plaintiffs and Members of the California Class possess a  
14 legally protected interest in their personal information as defined by COPPA, which  
15 includes, but is not limited to, first and last name, age, email address, phone number,  
16 persistent identifiers for the device(s) used to access TikTok, social media account  
17 information, and profile image(s), as well as photographs, videos, and audio files  
18 containing the user’s image and voice and the metadata associated with such media  
19 (such as when, where, and by whom the content was created), usage information, device  
20 information, location data, image and audio information, metadata, and data from  
21 cookies and similar technologies that track users across different websites and platforms.

22 455. The California Plaintiffs and Members of the California Class maintained a  
23 reasonable expectation of privacy that when using TikTok the Defendants would not  
24 collect and/or use their personal information.

25 456. The California Plaintiffs and Members of the California Class’s reasonable  
26 expectation of privacy was supported by COPPA’s prohibition on TikTok collecting  
27 and/or using personal information from children under 13 years of age unless TikTok  
28 directly notified their parents and obtained verifiable parental consent.

1 457. Defendants intentionally invaded the California Plaintiffs' and California  
2 Class Members' privacy by improperly collecting and using the California Plaintiffs'  
3 and California Class Members' personal information, without obtaining consent from  
4 the California Plaintiffs and California Class Members.

5 458. Defendants intentionally invaded the California Plaintiffs' and California  
6 Class Members' privacy by improperly collecting and using the California Plaintiffs'  
7 and California Class Members' personal information, without providing direct notice to  
8 their parents or obtaining verifiable parental consent, as required by COPPA.

9 459. Defendants' invasion of the privacy of the California Plaintiffs and  
10 California Class Members was substantial, and would be highly offensive to a  
11 reasonable person, constituting an egregious breach of social norms, as is evidenced by  
12 consumer surveys, and academic studies detailing the harms of tracking children online,  
13 centuries of common law, state and federal statutes and regulations including COPPA  
14 and FTC regulations, legislative commentaries, enforcement actions undertaken by the  
15 FTC, industry standards and guidelines, scholarly literature on consumers' reasonable  
16 expectations, the fines imposed on TikTok by the FTC, as well as the reforms required  
17 by the 2019 Permanent Injunction entered into by TikTok, which it has now been  
18 accused of violating.

19 460. Defendants' invasion of the privacy of the California Plaintiffs and  
20 California Class Members was also substantial and highly offensive to a reasonable  
21 person, constituting an egregious breach of social norms because TikTok uses the  
22 collected personal information for an improper purpose, including by targeting  
23 California Plaintiffs and California Class Members with behavioral advertising.

24 461. None of the California Plaintiffs, Members of the California Class, nor their  
25 parents and/or guardians consented to Defendants' collection and use of their personal  
26 information.

27 462. The California Plaintiffs and Members of the California Class suffered  
28 actual and concrete injury as a result of Defendants' invasion of their privacy.



1 463. The California Plaintiffs and Members of the California Class seek  
2 appropriate relief for that injury, including but not limited to damages that will  
3 reasonably compensate them for the harm to their privacy interests, risk of future  
4 invasions of privacy, restitution, disgorgement of profits made by Defendants as a result  
5 of their invasion of the California Plaintiffs and California Class Members' privacy,  
6 punitive damages, and any other relief that the Court may deem just and proper.

7 **CLAIM 4 — CALIFORNIA NEGLIGENCE**  
8 **(Against All Defendants by Plaintiffs J.C., A.J. B.M. and S.T. by and through their**  
9 **parents and guardians ad litem and the California Class)**

10 464. The California Plaintiffs and California Class Members incorporate the  
11 foregoing allegations as if fully set forth herein.

12 465. At all relevant times, Defendants developed, set up, managed, maintained,  
13 operated, supervised, controlled, and benefited from California Plaintiffs' and California  
14 Class Members' use of TikTok.

15 466. Defendants owed California Plaintiffs and California Class Members a duty  
16 to exercise reasonable care in TikTok's development, setup, management, maintenance,  
17 operation, supervision, and control to protect its under-13 users' personal information.

18 467. Defendants also owed California Plaintiffs and California Class Members a  
19 duty under COPPA not to collect, use, or disclose under-13 users' personal information  
20 without notifying parents and obtaining verifiable parental consent.

21 468. California Plaintiffs and California Class Members are within the class of  
22 persons that COPPA was intended to protect.

23 469. Defendants also owed a special relationship duty to California Plaintiffs and  
24 California Class Members to protect them against harm caused by TikTok. California  
25 Plaintiffs and California Class Members, as children, are comparatively vulnerable and  
26 depend on Defendants for a safe and age-appropriate environment on TikTok, and  
27 Defendants have the superior ability and control over TikTok to provide both safety and  
28 an age-appropriate environment on its app. The special relationship California Plaintiffs



1 and California Class Members have with Defendants substantially benefits Defendants  
2 through profits and growth in users and user activity.

3 470. 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.

7 471. Defendants have voluntarily undertaken a responsibility to keep children  
8 safe on TikTok.

9 472. Defendants are responsible not only for the result of their willful acts, but  
10 also for injuries occasioned to California Plaintiffs and California Members by  
11 Defendants' want of ordinary care and/or skill in the management of their property.

12 473. Defendants operate a website or online service directed at children under  
13 the age of 13, as defined by COPPA.

14 474. Defendants had actual knowledge that children under 13, such as California  
15 Plaintiffs and California Class Members, were using and would use the Full Access  
16 Platform.

17 475. Defendants invited, solicited, and encouraged the fact, extent, and manner  
18 of California Plaintiffs' and California Class Members' use of TikTok.

19 476. 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 California Plaintiffs' and California Class Members'  
22 personal information.

23 477. 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 California Plaintiffs and California  
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.

1 478. 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.

3 479. 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.

7 480. Defendants had actual knowledge that its “age gate” features were not  
8 reasonably adequate to protect the privacy of children’s information on TikTok.

9 481. Due to Defendants’ control over how youth set up accounts on TikTok,  
10 Defendants injured California Plaintiffs and California Class Members by violating their  
11 privacy.

12 482. Defendants could have avoided California Plaintiffs’ and California Class  
13 Members’ injuries with minimal cost, including, for example, by providing direct  
14 parental notice and requiring verifiable parental consent for its users.

15 483. Imposing a duty on Defendants would benefit the community at large.

16 484. 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 California  
18 Plaintiffs and California Class Members.

19 485. Defendants owed a heightened duty of care to under 13 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 under 13 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.

26 486. Defendants breached their duty of care that they owed California Plaintiffs  
27 and California Class Members through their affirmative malfeasance, actions, business  
28 decisions, and policies in TikTok’s development, setup, management, maintenance,

operation, supervision, and control. These breaches are based on Defendants' own actions in managing their own property—TikTok—that they made available to the public, independent of any actions taken by a third party. Those breaches include, but are not limited to:

- a. Facilitating use of TikTok by youth under the age of 13, including by adopting protocols that do not adequately verify the age or identity of users or by adopting ineffective age and identity verification protocols,
- b. Knowingly collecting personal information from youth under the age of 13 in knowing or reckless disregard of the fact that direct notice had not been provided to parents and verifiable consent had not been obtained from parents,
- c. Willfully ignoring that significant numbers of under-13 users were maintaining regular TikTok accounts in violation of TikTok's policies and the 2019 Consent Decree, and
- d. Instructing employees not to take action to disable regular TikTok accounts for users whom employees reasonably believed were under 13 years old.

487. Defendants have breached their duty of care that they owed to California Plaintiffs and California Class Members through their non-feasance, failure to act, and omissions in the development, setup, management, maintenance, operation, supervision, and control of TikTok. These breaches are based on the Defendants' actions in managing their property—TikTok—that they made available to the public, independent of any actions taken by a third party. Those breaches include:

- a. Failing to implement effective protocols to block users under the age of 13,
- b. Failing to implement effective protocols to prevent the collecting, sharing, and selling of the personal information of users under the

1 age of 13 without prior affirmative authorization, and

2 c. Failing to implement effective parental controls.

3 488. 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.

6 489. Defendants' violation of COPPA constitutes negligence per se.

7 490. 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 California Plaintiffs.

11 491. At all relevant times, California Plaintiffs and California Class Members  
12 used TikTok in the manner it was intended to be used.

13 492. As a direct and proximate result of Defendants' breach of one or more of its  
14 duties, California Plaintiffs and California Class Members were harmed by Defendants'  
15 violation of California Plaintiffs' and California Class Members' privacy and the loss of  
16 control over when, how, and for what purpose their personal information is collected,  
17 used, and disclosed.

18 493. The harm to the California Plaintiffs and California Class Members is the  
19 type of harm that COPPA was intended to prevent.

20 494. The California Plaintiffs and California Class Members do not allege any  
21 harm or injury constituting a personal injury or emotional distress and do not seek  
22 damages based on those types of injuries.

23 495. Defendants' breach of one or more of their duties was a substantial factor in  
24 causing harms and injuries to California Plaintiffs and California Class Members.

25 496. But for Defendants' violation of the applicable laws and regulations related  
26 to COPPA, California Plaintiffs' and California Class Members' personal information  
27 would not have been used, collected, or disclosed to third parties.

28 497. As a direct and proximate result of Defendants' negligence per se,

1 California Plaintiffs and California Class Members have been injured and are entitled to  
2 damages in an amount to be proven at trial.

3 498. California Plaintiffs demand judgment against Defendants for injunctive  
4 relief and for compensatory, treble, and punitive damages, together with interest, costs of  
5 suit, attorneys' fees, and all such other relief as the Court deems proper.

6 **CLAIM 5 — CALIFORNIA UNFAIR COMPETITION LAW (UCL),**  
7 **CAL. BUS. & PROF. CODE § 17200 *ET SEQ.***  
8 **(Against All Defendants by Plaintiffs J.C., A.J. B.M. and S.T. by and through their**  
9 **parents and guardians ad litem and the California Class)**

10 499. The California Plaintiffs and Members of the California Class incorporate  
11 the foregoing allegations as if fully set forth herein.

12 500. The California Plaintiffs and Members of the California Class are or were  
13 residents of California.

14 501. At all times mentioned herein, Defendants each engaged in "trade" or  
15 "commerce" in California in that they each engaged in the advertising, offering for sale,  
16 sale, and distribution of property or any other articles, commodities, or things of value in  
17 California.

18 502. Defendants each engaged in consumer-oriented acts through the offering,  
19 promotion, and/or distribution of the TikTok, which significantly impacted the public  
20 because TikTok is used nationwide, including in California, and there are millions of  
21 users, including the California Plaintiffs and Members of the California Class.

22 503. Cal. Bus. & Prof. Code § 17200 *et seq.* (the "UCL") broadly prohibits  
23 "unfair competition," which the UCL defines as including "any unlawful, unfair or  
24 fraudulent business act or practice and unfair, deceptive, untrue or misleading  
25 advertising[.]"

26 504. California courts have noted that "the differences [between the UCL and  
27 FTC Act] are not of a degree to impair comparison" and that unfair acts respectively  
28 proscribed in the two statutes "appear practically synonymous." *People ex rel. Mosk v.*  
*Nat'l Rsch. Co. of Cal.*, 201 Cal. App. 2d 765, 773, 20 Cal. Rptr. 516, 521 (Ct. App.

1 1962). As a result, California courts deem “decisions of the federal court [construing the  
2 FTC Act] on the subject are more than ordinarily persuasive.” *Id.*

3 505. Defendants violated Cal. Bus. & Prof. Code § 17200 *et seq.* by engaging in  
4 the “unlawful” and “unfair” business acts and practices proscribed by Cal. Bus. & Prof.  
5 Code § 17200 *et seq.* outlined herein.

6 506. Defendants engaged in “unlawful” business acts and/or practices by  
7 violating COPPA and the COPPA Rule. Defendants engaged in “unfair” business acts  
8 and/or practices. Defendants at all relevant times knowingly violated legal duties and  
9 public policy by unfairly and unlawfully collecting the personal information of the  
10 California Plaintiffs and Members of the California Class without notifying their parents  
11 and obtaining verifiable parental consent and by tracking, profiling, and targeting those  
12 children with behavioral advertising for Defendants’ commercial financial gain despite  
13 Defendants’ actual knowledge about these users being under 13. These practices are  
14 unethical, unscrupulous, and substantially injurious to children, and thus constitutes an  
15 unfair practice under the UCL. The harm these practices caused to the California  
16 Plaintiffs and California Class Members outweigh their utility, if any.

17 507. As outlined herein, TikTok represented that TikTok Kids Mode was  
18 designed for children under 13 years old by representing to children who identified  
19 themselves as being under 13 years of age that the child is “about to access a TikTok  
20 experience designed just for you.” In Kids Mode, a user can view videos, but cannot  
21 upload videos, post information publicly, or message other users.

22 508. TikTok Kids Mode is not designed to be legally appropriate for children  
23 under 13 years old. In fact, TikTok Kids Mode violates COPPA and the privacy rights of  
24 children under 13 years of age, including by collecting and using their personal  
25 information without providing direct notice to their parents or obtaining parental  
26 consent.

27 509. As outlined herein, Defendants at all times had actual knowledge of their  
28 own non-compliance with COPPA and other applicable privacy-related laws. Further,

1 Defendants at all times had actual knowledge that they were collecting Private  
2 Information from users under the age of 13 including the California Plaintiffs and  
3 California Class Members for purposes of tracking, profiling, and targeting of those  
4 children for lucrative behavioral advertising.

5 510. As outlined herein, Defendants intentionally designed TikTok to, among  
6 other things, attract children under 13 by making child-directed content available to  
7 them so that TikTok could collect the personal information of those children for  
8 substantial commercial gain.

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

19 512. Defendants are considered by the FTC to be “operators” as defined under  
20 COPPA and FTC regulations.

21 513. In particular, Defendants systematically collected and used personal  
22 information from children that they knew were under 13 in violation of COPPA, and  
23 therefore the FTC Act, to serve them targeted, behavioral advertising by inter alia:

- 24 a. Failing to provide sufficient notice of the information Defendants  
25 collected, or the information that was collected on Defendants’  
26 behalf, online from children under 13 years old, how Defendants  
27 used such information, their disclosure practices, and all other  
28 required content, in violation of Section 312.4(d) of COPPA, 16



1 C.F.R. § 312.4(d);

- 2 b. Failing to provide direct notice to parents of the information  
3 Defendants collected, or the information that was collected on  
4 Defendants' behalf, online from children under 13 years old, how  
5 Defendants used such information, their disclosure practices, and all  
6 other required content, in violation of Section 312.4(b) and (c) of  
7 COPPA, 16 C.F.R. § 312.4(b)-(c);  
8 c. Failing to obtain verifiable parental consent before any collection or  
9 use of personal information from children under 13 years old, in  
10 violation of Section 312.5 of COPPA, 16 C.F.R. § 312.5; and  
11 d. Failing to establish and maintain reasonable procedures to protect the  
12 confidentiality, security, and integrity of personal information  
13 collected from children under 13 years old, in violation of Section  
14 312.8 of COPPA, 16 C.F.R. § 312.8.

15 514. Violations of COPPA and the accompanying FTC regulations "shall be  
16 treated as a violation of a rule defining an unfair ... act or practice prescribed under 15  
17 U.S.C. § 57a(a)(1)(B)." 15 U.S.C. § 6502(c). These rules define unfair acts or practices  
18 in or affecting commerce within the meaning of 15 U.S.C. § 45(a)(1), which is the  
19 model for the various consumer protection statutes in the several states, including the  
20 Cal. Bus. & Prof. Code § 17200 *et seq.*<sup>98</sup>

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

24 516. Defendants' conduct is unfair, immoral, unethical, oppressive, unscrupulous  
25

26  
27 <sup>98</sup> 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 substantially injurious to consumers, and there are no greater countervailing benefits  
2 to consumers or competition. Further, the California Plaintiffs and Members of the  
3 California Class could not have reasonably avoided injury because Defendants each took  
4 advantage of the lack of knowledge, ability, experience, and/or capacity of consumers—  
5 in this case children under 13 years old—to their detriment.

6 517. Defendants willfully engaged in the unfair and unlawful acts described  
7 herein and knew or recklessly disregarded the fact that they violated Cal. Bus. & Prof.  
8 Code § 17200 *et seq.*

9 518. The California Plaintiffs and Members of the California Class were harmed  
10 by Defendants’ practices described herein, which were a substantial factor and caused  
11 injury in fact and actual damages to the California Plaintiffs and Members of the  
12 California Class.

13 519. California Plaintiffs have standing to bring these claims under the UCL. As  
14 a direct and proximate result of Defendants’ unfair and unlawful acts and practices in  
15 violation of Cal. Bus. & Prof. Code § 17200 *et seq.*, the California Plaintiffs and  
16 Members of the California Class have suffered and will continue to suffer an  
17 ascertainable loss of money or property, real or personal, and monetary and non-  
18 monetary damages, as described herein, including, inter alia, “benefit-of-the-bargain”  
19 damages, the loss of the value and/or diminishment in value of their personal  
20 information, and the loss of the ability to control the use of their personal information.

21 520. As a direct and proximate result of TikTok’s unlawful and unfair business  
22 acts and practices, California Plaintiffs and Members of the California Class suffered  
23 “benefit-of-the-bargain” injuries and damages. The California Plaintiffs and Members of  
24 the California Class did not receive the full benefit of the bargain, and instead received  
25 services from TikTok that were less valuable than the services they would have received  
26 if TikTok had abided by COPPA.

27 521. The California Plaintiffs and Members of the California Class, therefore,  
28 were damaged in an amount at least equal to the difference in value of the TikTok

1 service that the California Plaintiffs and Members of the California Class received (for  
2 example, where TikTok collected and used children's personal information without  
3 notifying their parents or gaining their parents' consent) and the value of the TikTok  
4 service that California Plaintiffs' and California Class Members would have received if  
5 TikTok had abided by COPPA (and, for example, not collected and used children's  
6 personal information without notifying their parents or gaining their parents' consent).

7 522. As a direct and proximate result of TikTok's unlawful and unfair business  
8 acts and practices, California Plaintiffs and California Class Members also suffered  
9 "right to exclude" injuries and damages.

10 523. The California Plaintiffs and Members of the California Class have a  
11 property interest in the personal information collected by TikTok. California Plaintiffs  
12 Class Members suffered an economic injury because they were deprived of their right to  
13 exclude TikTok from their personal information.

14 524. The California Plaintiffs and Members of the California Class's damages  
15 may also be measured by the amount of monetary compensation that TikTok would have  
16 to provide to parents to gain their consent to collect and use their children's personal  
17 information.

18 525. The California Plaintiffs and Members of the California Class also suffered  
19 damages because the Defendants' unfair and unlawful acts and practices diminished the  
20 value of their personal information.

21 526. As outlined herein, there is tangible value in the California Plaintiffs' and  
22 Members of the California Class's personal information. The California Plaintiffs and  
23 Members of the California class have lost the opportunity to receive value in exchange  
24 for their personal information.

25 527. Defendants' monetization of the California Plaintiffs' and Members of the  
26 California Class's personal information demonstrates that there is a market for their  
27 personal information.

28 528. The California Plaintiffs' and Members of the California Class's personal

1 information is now in the possession of Defendants, who have used and will use it for  
2 their financial gain.

3 529. Pursuant to Cal. Bus. & Prof. Code § 17203, California Plaintiffs seek  
4 equitable relief to enjoin TikTok from continuing its unlawful and unfair practices and  
5 any other equitable relief necessary to secure the interests of the Class Members.

6 530. Pursuant to Cal. Bus. & Prof. Code § 17203, California Plaintiffs request  
7 that the Court restore to Plaintiffs and the Class, in the form of restitution, all money  
8 TikTok may have acquired as result of its unlawful and unfair business practices.

9 531. Defendants' retention of the California Plaintiffs' and Members of the  
10 California Class's personal information presents a continuing risk to them as well as the  
11 general public. The California Plaintiffs and Members of the California Class seek relief  
12 for the injuries they have suffered as a result of Defendants' unfair and unlawful acts and  
13 practices, as provided by Cal. Bus. & Prof. Code § 17200 *et seq.* and applicable law,  
14 including restitution and attorneys' fees, as well as an injunction requiring Defendants to  
15 permanently delete, destroy or otherwise sequester the personal information collected  
16 without parental consent, requiring Defendants to provide a complete audit and  
17 accounting of the uses of the personal information by them and any other third parties,  
18 and other appropriate injunctive and/or declaratory relief.

19 532. California Plaintiffs lack an adequate remedy at law. It is unclear whether  
20 an award of damages can or will adequately remedy the California Plaintiffs' monetary  
21 losses. The restitution that California Plaintiffs seek under the UCL is not the same  
22 remedy as disgorgement for unjust enrichment. Furthermore, restitution under the UCL  
23 is more prompt, efficient, and certain than the monetary damages that Plaintiffs seek.

24 533. California Plaintiffs also lack an adequate remedy at law because TikTok's  
25 refusal to abide by the 2019 Permanent Injunction is a future harm. Namely, TikTok  
26 continues to profit from its unlawful business practices at the expense of the privacy of  
27 children, and TikTok has failed to implement adequate age gates, to identify and remove  
28 underage users of non-Kids Mode accounts, to delete data, even upon parental request,

1 has taken steps to make deletion requests onerous, and has continued to collect data from  
2 purportedly deleted accounts.

3 **B. CONNECTICUT CLAIMS**

4 **CLAIM 6 — CONNECTICUT NEGLIGENCE**  
5 **(Against All Defendants by Plaintiff L.F. by and through their parent and guardian**  
6 **ad litem, Heather Bresette, and the Connecticut Class)**

7 534. Plaintiff L.F. by and through their parent and guardian ad litem, Heath  
8 Bresette (the “Connecticut Plaintiffs”) and Connecticut Class Members incorporate the  
9 foregoing allegations as if fully set forth herein.

10 535. At all relevant times, Defendants developed, set up, managed, maintained,  
11 operated, supervised, controlled, and benefited from Connecticut Plaintiffs’ and  
12 Connecticut Class Members’ use of TikTok.

13 536. Defendants owed Connecticut Plaintiffs and Connecticut Class Members a  
14 duty to exercise reasonable care in TikTok’s development, setup, management,  
15 maintenance, operation, supervision, and control to protect its under-13 users’ personal  
16 information.

17 537. Defendants also owed Connecticut Plaintiffs and Connecticut Class  
18 Members a duty under COPPA not to collect, use, or disclose under-13 users’ personal  
19 information without notifying parents and obtaining verifiable parental consent.

20 538. Connecticut Plaintiffs and Connecticut Class Members are within the class  
21 of persons that COPPA was intended to protect.

22 539. Defendants also owed a special relationship duty to Connecticut Plaintiffs  
23 and Connecticut Class Members to protect them against harm caused by TikTok.  
24 Connecticut Plaintiffs and Connecticut Class Members, as children, are comparatively  
25 vulnerable and depend on Defendants for a safe environment on TikTok, and Defendants  
26 have the superior ability and control over TikTok to provide that safety on its app. The  
27 special relationship Connecticut Plaintiffs and Connecticut Class Members have with  
28 Defendants substantially benefits Defendants through profits and growth in users and

1 user activity. Defendants could not successfully operate without the increase in users and  
2 user activity generated by children.

3 540. 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.

7 541. Defendants have voluntarily undertaken a responsibility to keep children  
8 safe on TikTok.

9 542. Defendants are responsible not only for the result of their willful acts, but  
10 also for injuries occasioned to Connecticut Plaintiffs and Connecticut Members by  
11 Defendants' want of ordinary care and/or skill in the management of their property..

12 543. Connecticut Plaintiffs and Connecticut Class Members were foreseeable  
13 users of TikTok.

14 544. Defendants operate a website or online service directed at children under  
15 the age of 13, as defined by COPPA.

16 545. Defendants had actual knowledge that children under the age 13, such as  
17 Connecticut Plaintiffs and Connecticut Class Members, were using and would use Full  
18 Access Platform.

19 546. Defendants invited, solicited, and encouraged the fact, extent, and manner  
20 of Connecticut Plaintiffs' and Connecticut Class Members' use of TikTok.

21 547. 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 Connecticut Plaintiffs' and Connecticut Class  
24 Members' personal information.

25 548. 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 Connecticut Plaintiffs and  
28 Connecticut 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.

3 549. 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.

5 550. Defendants had actual knowledge 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.

9 551. Defendants had actual knowledge that its "age gate" features were not  
10 reasonably adequate to protect the privacy of children's information on TikTok.

11 552. Due to Defendants' control over how youth set up accounts on TikTok,  
12 Defendants injured Connecticut Plaintiffs and Connecticut Class Members by violating  
13 their privacy.

14 553. Defendants had actual knowledge that it collected personal information as  
15 defined by COPPA from users under the age of 13.

16 554. Defendants could have avoided Connecticut Plaintiffs' and Connecticut  
17 Class Members' injuries with minimal cost, including, for example, by providing direct  
18 parental notice and requiring verifiable parental consent for its users.

19 555. Imposing a duty on Defendants would benefit the community at large.

20 556. 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 Connecticut Plaintiffs and Connecticut Class Members.

23 557. 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.

2 558. Defendants breached their duty of care that they owed Connecticut  
3 Plaintiffs and Connecticut 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 breaches  
8 include, but are not limited to:

- 9 a. Facilitating use of TikTok by youth under the age of 13, including by  
10 adopting protocols that do not ask for or verify the age or identity of  
11 users or by adopting ineffective age and identity verification  
12 protocols,
- 13 b. Knowingly collecting personal information from youth under the age  
14 of 13 in knowing or reckless disregard of the fact that direct notice  
15 had not been provided to parents and verifiable consent had not been  
16 obtained from parents,
- 17 c. Willfully ignoring that significant numbers of under-13 users were  
18 maintaining regular TikTok accounts in violation of TikTok's  
19 policies and the 2019 Consent Decree, and
- 20 d. Instructing employees not to take action to disable regular TikTok  
21 accounts for users whom employees reasonably believed were under  
22 13 years old.

23 559. Defendants have breached their duty of care that they owed to Connecticut  
24 Plaintiffs and Connecticut 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 managing  
27 their property—TikTok—that they made available to the public, independent of any  
28 actions taken by a third party. Those breaches include:

- a. Failing to implement effective protocols to block users under the age of 13,
- b. Failing to implement effective protocols to prevent the collecting, sharing, and selling of the personal information of users under the age of 13 without prior affirmative authorization, and
- c. Failing to implement effective parental controls.

560. These breaches also violate COPPA since Defendants collect, use, and disclose under-13 users' personal information without notifying parents and obtaining verifiable parental consent.

561. Defendants' violation of COPPA constitutes negligence per se.

562. A reasonable company under the same or similar circumstances as Defendants would have developed, set up, managed, maintained, supervised, and operated its platforms in a manner that is safer for and more protective of youth users like Connecticut Plaintiffs.

563. At all relevant times, Connecticut Plaintiffs and Connecticut Class Members used TikTok in the manner it was intended to be used.

564. As a direct and proximate result of Defendants' breach of one or more of its duties, Connecticut Plaintiffs and Connecticut Class Members were harmed by Defendants' violation of Connecticut Plaintiffs' and Connecticut Class Members' privacy and the loss of control over when, how, and for what purpose their personal information is collected, used, and disclosed.

565. The harm to the Connecticut Plaintiffs and Connecticut Class Members is the type of harm that COPPA was intended to prevent.

566. The Connecticut Plaintiffs and Connecticut Class Members do not allege any harm or injury constituting a personal injury or emotional distress and do not seek damages based on those types of injuries.

567. Defendants' breach of one or more of their duties was a substantial factor in causing harms and injuries to Connecticut Plaintiffs and Connecticut Class Members.

1 568. But for Defendants' violation of the applicable laws and regulations related  
2 to COPPA, Connecticut Plaintiffs' and Connecticut Class Members' personal  
3 information would not have been used, collected, or disclosed to third parties.

4 569. As a direct and proximate result of Defendants' negligence per se,  
5 Connecticut Plaintiffs and Connecticut Class Members have been injured and are  
6 entitled to damages in an amount to be proven at trial.

7 570. Connecticut Plaintiffs demand judgment against Defendants for injunctive  
8 relief and for compensatory, treble, and punitive damages, together with interest, costs of  
9 suit, attorneys' fees, and all such other relief as the Court deems proper.

10 **CLAIM 7 — CONNECTICUT UNFAIR TRADE PRACTICES ACT,**  
11 **CONN. GEN. STAT. § 42-110A, ET SEQ.**  
12 **(Against all Defendants by Plaintiff L.F., a minor, by and through their guardian**  
**ad litem, Heather Bresette and the Connecticut Class)**

13 571. Connecticut Plaintiffs and Connecticut Class Members re-allege the  
14 foregoing allegations as if fully set forth herein.

15 572. This claim is asserted against Defendants pursuant to Conn. Gen. Stat. § 42-  
16 110a, *et seq.*

17 573. The Connecticut Unfair Trade Practices Act (CUTPA), Conn. Gen. Stat. §  
18 42-110a *et seq.*, declares that "unfair methods of competition and unfair or deceptive  
19 acts or practices in the conduct of any trade or commerce are unlawful."

20 574. Pursuant to Conn. Gen. Stat. § 42-110g(a), any person who has suffered a  
21 loss as a result of a violation of CUTPA may bring an action to obtain a declaratory  
22 judgment that an act or practice violates CUTPA and to enjoin such person who has  
23 violated, is violating, or is otherwise likely to violate CUTPA.

24 575. Pursuant to Conn. Gen. Stat. § 42-110g(a), any person who has suffered a  
25 loss as a result of a violation of CUTPA may bring an action for actual damages,  
26 attorneys' fees, and court costs.

27 576. Connecticut Plaintiffs, Connecticut Class Members and Defendants are  
28 each a "person" within the meaning of Conn. Gen. Stat. § 42-110a(3).

1 577. Defendants through their conduct as described above, engaged in unfair  
2 methods of competition and unfair acts or practices in the conduct of their trade and  
3 commerce, as defined in General Statutes § 42-110a(4), within the State of Connecticut.

4 578. Connecticut courts have held that “[i]t is the intent of the legislature that in  
5 construing subsection (a) of this section, the commissioner [of consumer protection] and  
6 the courts of this state shall be guided by interpretations given by the Federal Trade  
7 Commission and the federal courts to Section 5(a)(1) of the Federal Trade Commission  
8 Act (15 U.S.C. 45(a)(1)).” *Heslin v. Connecticut L. Clinic of Trantolo & Trantolo*, 190  
9 Conn. 510, 518, 461 A.2d 938, 942 (1983) as from time to time amended.”

10 579. Defendants engaged in “unfair” business acts and/or practices. Defendants  
11 at all relevant times knowingly violated legal duties and public policy by unfairly and  
12 unlawfully collecting the personal information of L.F. and the Connecticut Class  
13 Members without notifying their parents and obtaining verifiable parental consent and  
14 by tracking, profiling, and targeting those children with behavioral advertising for  
15 Defendants’ commercial financial gain. These practices are unethical, unscrupulous, and  
16 substantially injurious to children, and thus constitutes an unfair practice. The harm  
17 these practices caused to L.F. and Connecticut Class Members outweigh their utility, if  
18 any.

19 580. As outlined herein, TikTok represented that TikTok Kids Mode was  
20 designed for children under 13 years old by representing to children who identified  
21 themselves as being under 13 years old that the child is “about to access a TikTok  
22 experience designed just for you.” In Kids Mode, a user can view videos, but cannot  
23 upload videos, post information publicly, or message other users.

24 581. TikTok Kids Mode is not designed to be legally appropriate for children  
25 under 13 years old. In fact, TikTok Kids Mode violates COPPA and the privacy rights of  
26 children under 13 years old, including by collecting and using their personal information  
27 without providing direct notice to their parents or obtaining parental consent.

28 582. As outlined herein, Defendants at all times had actual knowledge of their

1 non-compliance with COPPA and other applicable privacy-related laws. Further,  
2 Defendants at all times had actual knowledge that they were collecting Private  
3 Information from users under the age of 13 including L.F. and Connecticut Class  
4 Members for purposes of tracking, profiling, and targeting of those children for lucrative  
5 behavioral advertising.

6 583. As outlined herein, Defendants intentionally designed TikTok to, among  
7 other things, attract children under 13 by making child-directed content available to  
8 them so that TikTok could collect the personal information of those children for  
9 substantial commercial gain.

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

20 585. Defendants are considered by the FTC to be “operators” as defined under  
21 COPPA and FTC regulations.

22 586. In particular, Defendants systematically collected and/or used personal  
23 information from children under 13 in violation of COPPA, and therefore the FTC Act,  
24 to serve them targeted, behavioral advertising by inter alia:

- 25 a. Failing to provide sufficient notice of the information Defendants  
26 collected, or the information that was collected on Defendants’  
27 behalf, online from children under 13 years old, how Defendants  
28 used such information, their disclosure practices, and all other

1 required content, in violation of Section 312.4(d) of COPPA, 16  
2 C.F.R. § 312.4(d);

- 3 b. Failing to provide direct notice to parents of the information  
4 Defendants collected, or the information that was collected on  
5 Defendants' behalf, online from children under 13 years old, how  
6 Defendants used such information, their disclosure practices, and all  
7 other required content, in violation of Section 312.4(b) and (c) of  
8 COPPA, 16 C.F.R. § 312.4(b)-(c);
- 9 c. Failing to obtain verifiable parental consent before any collection or  
10 use of personal information from children under 13 years old, in  
11 violation of Section 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  
14 collected from children under 13 years old, in violation of Section  
15 312.8 of COPPA, 16 C.F.R. § 312.8.

16 587. 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 Conn.  
21 Gen. Stat. § 42-110a *et seq.*

22 588. Accordingly, Defendants engaged in unfair and unlawful trade acts or  
23 practices in violation of Conn. Gen. Stat. § 42-110a *et seq.* which is modeled after,  
24 proscribes the same conduct as, and gives deference to the definitions of the FTC Act.

25 589. Because Defendants knew or should have known that their conduct was  
26 unfair under Conn. Gen. Stat. § 42-110b(a), their conduct was willful under Conn. Gen.  
27 Statutes § 42-110o.

28 590. These unfair acts and practices have caused Connecticut Plaintiffs and other

1 similarly situated consumers and/or businesses to suffer losses of money and property.

2 591. As a direct and proximate result of Defendants' unfair acts and practices,  
3 Connecticut Plaintiffs and other similarly situated consumers and/or businesses have  
4 suffered damages and are entitled to relief under CUTPA, including, but not limited to,  
5 actual damages, attorneys' fees, and costs.

6 592. Accordingly, Connecticut Plaintiffs, individually and on behalf of all others  
7 similarly situated, thus seek (a) a declaration that Defendants' acts and practices as  
8 described above violate the Connecticut Unfair Trade Practices Act, Conn. Gen. Stat. §  
9 42-110a *et seq.*; (b) an award of actual damages; (c) an award of attorneys' fees and  
10 costs pursuant to Conn. Gen. Stat. § 42-110g(d); (d) an order enjoining Defendants from  
11 continuing to engage in the unfair acts and practices described above; and any further  
12 relief the Court deems just and proper.

13 **C. FLORIDA CLAIMS**

14 **CLAIM 8 — FLORIDA DECEPTIVE AND UNFAIR TRADE PRACTICES ACT**  
15 **(FDUTPA), FLA. STAT. ANN. § 501.201 *ET SEQ.***

16 **(Against All Defendants by Plaintiffs D.M. and D.G. by and through**  
17 **their parents and guardians ad litem, and the Florida Class)**

18 593. Plaintiff D.M., a minor, by and through their parent and guardian ad litem,  
19 Darryl Maultsby and Plaintiff D.G., a minor, by and through their parent and guardian ad  
20 litem, Kristy Bradley (the "Florida Plaintiffs"), and Members of the Florida Class  
21 incorporate the foregoing allegations as if fully set forth herein.

22 594. D.M. and D.G. and Members of the Florida Class are or were residents of  
23 Florida and used TikTok while under the age of 13.

24 595. At all times mentioned herein, Defendants each engaged in "trade" or  
25 "commerce" in Florida in that Defendants each engaged in the advertising, offering for  
26 sale, sale, and distribution of property or any other articles, commodities, or things of  
27 value in Florida.

28 596. Defendants each engaged in consumer-oriented acts through the offer,  
promotion, and/or distribution of the TikTok app, which significantly impacted the



1 public because TikTok is used nationwide, including in Florida, and there are millions of  
2 users, including D.M. and Members of the Florida Class.

3 597. Fla. Stat. Ann. § 501.204(1) provides “[u]nfair methods of competition,  
4 unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct  
5 of any trade or commerce are hereby declared unlawful.”

6 598. Defendants violated Fla. Stat. Ann. § 501.204 by engaging in the unfair acts  
7 or practices proscribed by Fla. Stat. Ann. § 501.204 outlined herein.

8 599. Defendants engaged in “unlawful” business acts and/or practices by  
9 violating COPPA and the COPPA Rule.

10 600. Defendants engaged in “unfair” business acts and/or practices. Defendants  
11 at all relevant times knowingly violated legal duties and public policy by unfairly and  
12 unlawfully collecting the personal information of Florida Plaintiffs and Members of the  
13 Florida Class without notifying their parents and obtaining verifiable parental consent  
14 and by tracking, profiling, and targeting those children with behavioral advertising for  
15 Defendants’ commercial financial gain. These practices are unethical, unscrupulous, and  
16 substantially injurious to children, and thus constitutes an unfair practice. The harm  
17 these practices caused to D.M. and D.G. and Florida Class Members outweigh their  
18 utility, if any.

19 601. As outlined herein, TikTok represented that TikTok Kids Mode was  
20 designed for children under 13 years old by representing to children who identified  
21 themselves as being under 13 years old that the child is “about to access a TikTok  
22 experience designed just for you.” In Kids Mode, a user can view videos, but cannot  
23 upload videos, post information publicly, or message other users.

24 602. TikTok Kids Mode is not designed to be legally appropriate for children  
25 under 13 years old. In fact, TikTok Kids Mode violates COPPA and the privacy rights of  
26 children under 13 years old, including by collecting and using their personal information  
27 without providing direct notice to their parents or obtaining parental consent.

28 603. As outlined herein, Defendants at all times had actual knowledge of their

1 own non-compliance with COPPA and other applicable privacy-related laws. Further,  
2 Defendants at all times had actual knowledge that they were collecting Private  
3 Information from users under the age of 13 including Florida Plaintiffs and Florida Class  
4 Members and for purposes of tracking, profiling, and targeting of those children for  
5 lucrative behavioral advertising.

6 604. As outlined herein, Defendants intentionally designed TikTok to, among  
7 other things, attract children under 13 by making child-directed content available to  
8 them so that TikTok could collect the personal information for substantial commercial  
9 gain.

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

20 606. In particular, systematically collected and/or used personal information  
21 from children under 13 years old in violation of COPPA, and therefore the FTC Act, by  
22 *inter alia*:

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

- b. Failing to provide direct notice to parents of the information Defendants collected, or the information that was collected on Defendants' behalf, online from children under 13 years old, how Defendants used such information, their disclosure practices, and all other required content, in violation of Section 312.4(b) and (c) of COPPA, 16 C.F.R. § 312.4(b)-(c);
- 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.

607. 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.*<sup>99</sup>

608. 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.

609. Defendants' conduct is unfair, immoral, unethical, oppressive, unscrupulous and substantially injurious to consumers, and there are no greater countervailing benefits

---

<sup>99</sup> 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 to consumers or competition. Further, Florida Plaintiffs and Members of the Florida  
2 Class could not have reasonably avoided injury because Defendants each took advantage  
3 of the lack of knowledge, ability, experience, and/or capacity of consumers—in this case  
4 children under 13 years old—to their detriment.

5 610. Defendants willfully engaged in the unfair and unlawful acts described  
6 herein and knew or recklessly disregarded the fact that they violated Fla. Stat. Ann. §  
7 501.204 *et seq.*

8 611. Florida Plaintiffs and Members of the Florida Class were harmed by  
9 Defendants' practices described herein, which were a substantial factor and caused  
10 injury in fact and actual damages to Florida Plaintiffs and Members of the Florida Class.

11 612. As a direct and proximate result of Defendants' unfair and unlawful acts  
12 and practices in violation of Fla. Stat. Ann. § 501.204 *et seq.*, Florida Plaintiffs and  
13 Members of the Florida Class have suffered and will continue to suffer an ascertainable  
14 loss of money or property, real or personal, and monetary and non-monetary damages, as  
15 described herein, including, inter alia, the loss of the value and/or diminishment in value  
16 of their personal information and the loss of the ability to control the use of their  
17 personal information, which allowed Defendants to profit at the expense of Florida  
18 Plaintiffs and Members of the Florida Class.

19 613. As outlined herein, there is tangible value in Florida Plaintiffs and Members  
20 of the Florida Class's personal information. Florida Plaintiffs and Members of the  
21 Florida Class have lost the opportunity to receive value in exchange for their personal  
22 information.

23 614. Defendants' monetization of Florida Plaintiffs and Members of the Florida  
24 Class's personal information demonstrates that there is a market for their personal  
25 information.

26 615. Florida Plaintiffs and Members of the Florida Class's personal information  
27 is now in the possession of Defendants, who have used and will use it for their financial  
28 gain.

616. Defendants' retention of Florida Plaintiffs and Members of the Florida class's personal information presents a continuing risk to them as well as the general public. Florida Plaintiffs and Members of the Florida Class seek relief for the injuries they have suffered as a result of Defendants' unfair and unlawful acts and practices, as provided by Fla. Stat. Ann. § 501.204 *et seq.* and applicable law, including all actual damages and attorneys' fees and costs, treble damages, statutory damages, and restitution, as well as an injunction requiring Defendants to each permanently delete, destroy or otherwise sequester the personal information collected without parental consent, requiring Defendants to provide a complete audit and accounting of the uses of the personal information by them and any other third parties, and other appropriate injunctive and/or declaratory relief.

#### **CLAIM 9 — FLORIDA NEGLIGENCE**

**(Against All Defendants by Plaintiffs D.M. and D.G. by and through their parents and guardians ad litem, and the Florida Class)**

617. The Florida Plaintiffs and Florida Class Members incorporate the foregoing allegations as if fully set forth herein.

618. At all relevant times, Defendants developed, set up, managed, maintained, operated, supervised, controlled, and benefited from Florida Plaintiffs' and Florida Class Members' use of TikTok.

619. Defendants owed Florida Plaintiffs and Florida 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.

620. Defendants also owed Florida Plaintiffs and Florida 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.

621. Florida Plaintiffs and Florida Class Members are within the class of persons that COPPA was intended to protect.

622. Defendants also owed a special relationship duty to Florida Plaintiffs and

1 Florida Class Members to protect them against harm caused by TikTok. Florida  
2 Plaintiffs and Florida Class Members, as children, are comparatively vulnerable and  
3 depend on Defendants for a safe environment on TikTok, and Defendants have the  
4 superior ability and control over TikTok to provide that safety on its app. The special  
5 relationship Florida Plaintiffs and Florida Class Members have with Defendants  
6 substantially benefits Defendants through profits and growth in users and user activity.  
7 Defendants could not successfully operate without the increase in users and user activity  
8 generated by children.

9 623. Defendants created TikTok and directed its activity through advertisements  
10 to minor users, including users under 13 years old. This created a special duty to  
11 exercise reasonable care to protect the minors from foreseeable harm while the minors  
12 were on TikTok.

13 624. Defendants have voluntarily undertaken a responsibility to keep children  
14 safe on TikTok.

15 625. Defendants are responsible not only for the result of their willful acts, but  
16 also for injuries occasioned to Florida Plaintiffs and Florida Members by Defendants'  
17 want of ordinary care and/or skill in the management of their property..

18 626. Florida Plaintiffs and Florida Class Members were foreseeable users of  
19 TikTok.

20 627. Defendants operate a website or online service directed at children under  
21 the age of 13, as defined by COPPA.

22 628. Defendants had actual knowledge that children under the age of 13, such as  
23 Florida Plaintiffs and Florida Class Members, were using and would use Full Access  
24 Platform.

25 629. Defendants invited, solicited, and encouraged the fact, extent, and manner  
26 of Florida Plaintiffs' and Florida Class Members' use of TikTok.

27 630. Defendants had actual knowledge that the use of TikTok (as developed, set  
28 up, managed, maintained, supervised, and operated by Defendants) would result in

1 Defendants collecting and using Florida Plaintiffs' and Florida Class Members' personal  
2 information.

3 631. At all relevant times, Defendants had actual knowledge that TikTok (as  
4 developed, setup, managed, maintained, supervised, and operated by that Defendant)  
5 posed unreasonable risks of harm to youth such as Florida Plaintiffs and Florida Class  
6 Members through the collection, use, and/or disclosure of their personal information.  
7 Those risks were known and knowable, including in light of the multiple previous  
8 violations of minor children's privacy on TikTok in the last decade.

9 632. Defendants had actual knowledge that their under-13 users would attempt  
10 to create regular accounts instead of only trying to create Kids Mode accounts.

11 633. Defendants had actual knowledge that when under-13 users created regular  
12 accounts instead of Kids Mode accounts, their personal information would be treated  
13 without the adequate protections warranted for personal information of under-13 users  
14 online.

15 634. Defendants had actual knowledge that its "age gate" features were not  
16 reasonably adequate to protect the privacy of children's information on TikTok.

17 635. Due to Defendants' control over how youth set up accounts on TikTok,  
18 Defendants injured Florida Plaintiffs and Florida Class Members by violating their  
19 privacy.

20 636. Defendants could have avoided Florida Plaintiffs' and Florida Class  
21 Members' injuries with minimal cost, including, for example, by providing direct  
22 parental notice and requiring verifiable parental consent for its users.

23 637. Imposing a duty on Defendants would benefit the community at large.

24 638. 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 Florida  
26 Plaintiffs and Florida Class Members.

27 639. 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.

6 640. Defendants breached their duty of care that they owed Florida Plaintiffs and  
7 Florida Class Members through their affirmative malfeasance, actions, business  
8 decisions, and policies in TikTok's development, setup, management, maintenance,  
9 operation, supervision, and control. These breaches are based on Defendants' own  
10 actions in managing their own property—TikTok—that they made available to the  
11 public, independent of any actions taken by a third party. Those breaches include, but  
12 are not limited to:

- 13 a) Facilitating use of TikTok by youth under the age of 13, including by  
14 adopting protocols that do not ask for or verify the age or identity of users  
15 or by adopting ineffective age and identity verification protocols,
- 16 b) Knowingly collecting personal information from youth under the age of  
17 13 in knowing or reckless disregard of the fact that direct notice had not  
18 been provided to parents and verifiable consent had not been obtained  
19 from parents,
- 20 c) Willfully ignoring that significant numbers of under-13 users were  
21 maintaining regular TikTok accounts in violation of TikTok's policies  
22 and the 2019 Consent Decree, and
- 23 d) Instructing employees not to take action to disable regular TikTok  
24 accounts for users whom employees reasonably believed were under 13  
25 years old.

26 641. Defendants have breached their duty of care that they owed to Florida  
27 Plaintiffs and Florida Class Members through their non-feasance, failure to act, and  
28 omissions in the development, setup, management, maintenance, operation, supervision,

1 and control of TikTok. These breaches are based on the Defendants' actions in managing  
2 their property—TikTok—that they made available to the public, independent of any  
3 actions taken by a third party. Those breaches include:

- 4 a) Failing to implement effective protocols to block users under the age of  
5 13,
- 6 b) Failing to implement effective protocols to prevent the collecting,  
7 sharing, and selling of the personal information of users under the age of  
8 13 without prior affirmative authorization, and
- 9 c) Failing to implement effective parental controls.

10 642. These breaches also violate COPPA since Defendants collect, use, and  
11 disclose the personal information of children under 13 without notifying parents and  
12 obtaining verifiable parental consent.

13 643. Defendants' violation of COPPA constitutes negligence per se.

14 644. A reasonable company under the same or similar circumstances as  
15 Defendants would have developed, set up, managed, maintained, supervised, and  
16 operated its platforms in a manner that is safer for and more protective of youth users  
17 like Florida Plaintiffs.

18 645. At all relevant times, Florida Plaintiffs and Florida Class Members used  
19 TikTok in the manner it was intended to be used.

20 646. As a direct and proximate result of Defendants' breach of one or more of its  
21 duties, Florida Plaintiffs and Florida Class Members were harmed by Defendants'  
22 violation of Florida Plaintiffs' and Florida Class Members' privacy and the loss of  
23 control over when, how, and for what purpose their personal information is collected,  
24 used, and disclosed.

25 647. The harm to the Florida Plaintiffs and Florida Class Members is the type of  
26 harm that COPPA was intended to prevent.

27 648. The Florida Plaintiffs and Florida Class Members do not allege any harm or  
28 injury constituting a personal injury or emotional distress and do not seek damages

1 based on those types of injuries.

2 649. Defendants' breach of one or more of their duties was a substantial factor in  
3 causing harms and injuries to Florida Plaintiffs and Florida Class Members.

4 650. But for Defendants' violation of the applicable laws and regulations related  
5 to COPPA, Florida Plaintiffs' and Florida Class Members' personal information would  
6 not have been used, collected, or disclosed to third parties.

7 651. As a direct and proximate result of Defendants' negligence per se, Florida  
8 Plaintiffs and Florida Class Members have been injured and are entitled to damages in  
9 an amount to be proven at trial.

10 652. Florida Plaintiffs demand judgment against Defendants for injunctive relief  
11 and for compensatory, treble, and punitive damages, together with interest, costs of suit,  
12 attorneys' fees, and all such other relief as the Court deems proper.

13 **D. GEORGIA CLAIMS**

14 **CLAIM 10 — GEORGIA NEGLIGENCE**

15 **(Against All Defendants by Plaintiff E.B., through their parent Ebony Baker and  
16 the Georgia Class)**

17 653. Plaintiff E.B. through their parent, Ebony Baker, ("Georgia Plaintiffs") and  
18 Georgia Class Members incorporate the foregoing allegations as if fully set forth herein.

19 654. At all relevant times, Defendants developed, set up, managed, maintained,  
20 operated, supervised, controlled, and benefited from Georgia Plaintiffs' and Georgia  
21 Class Members' use of TikTok.

22 655. Defendants owed Georgia Plaintiffs and Georgia Class Members a duty to  
23 exercise reasonable care in TikTok's development, setup, management, maintenance,  
24 operation, supervision, and control to protect its under-13 users' personal information.

25 656. Defendants also owed Georgia Plaintiffs and Georgia Class Members a  
26 duty under COPPA not to collect, use, or disclose under-13 users' personal information  
27 without notifying parents and obtaining verifiable parental consent.

28 657. Georgia Plaintiffs and Georgia Class Members are within the class of

1 persons that COPPA was intended to protect.

2 658. Defendants also owed a special relationship duty to Georgia Plaintiffs and  
3 Georgia Class Members to protect them against harm caused by TikTok. Georgia  
4 Plaintiffs and Georgia Class Members, as children, are comparatively vulnerable and  
5 depend on Defendants for a safe environment on TikTok, and Defendants have the  
6 superior ability and control over TikTok to provide that safety on its app. The special  
7 relationship Georgia Plaintiffs and Georgia Class Members have with Defendants  
8 substantially benefits Defendants through profits and growth in users and user activity.  
9 Defendants could not successfully operate without the increase in users and user activity  
10 generated by children.

11 659. Defendants created TikTok and directed its activity through advertisements  
12 to minor users, including users under 13 years old. This created a special duty to  
13 exercise reasonable care to protect the minors from foreseeable harm while the minors  
14 were on TikTok.

15 660. Defendants have voluntarily undertaken a responsibility to keep children  
16 safe on TikTok.

17 661. Defendants are responsible not only for the result of their willful acts, but  
18 also for injuries occasioned to Georgia Plaintiffs and Georgia Members by Defendants'  
19 want of ordinary care and/or skill in the management of their property.

20 662. Georgia Plaintiffs and Georgia Class Members were foreseeable users of  
21 TikTok.

22 663. Defendants operate a website or online service directed at children under  
23 the age of 13, as defined by COPPA.

24 664. Defendants had actual knowledge that children under the age of 13, such as  
25 Georgia Plaintiffs and Georgia Class Members, were using and would use Full Access  
26 Platform.

27 665. Defendants invited, solicited, and encouraged the fact, extent, and manner  
28 of Georgia Plaintiffs' and Georgia Class Members' use of TikTok.

1           666. Defendants had actual knowledge that the use of TikTok (as developed, set  
2 up, managed, maintained, supervised, and operated by Defendants) would result in  
3 Defendants collecting and using Georgia Plaintiffs' and Georgia Class Members'  
4 personal information.

5           667. At all relevant times, Defendants had actual knowledge that TikTok (as  
6 developed, setup, managed, maintained, supervised, and operated by that Defendant)  
7 posed unreasonable risks of harm to youth such as Georgia Plaintiffs and Georgia Class  
8 Members through the collection, use, and/or disclosure of their personal information.  
9 Those risks were known and knowable, including in light of the multiple previous  
10 violations of minor children's privacy on TikTok in the last decade.

11           668. Defendants had actual knowledge that their under-13 users would attempt  
12 to create regular accounts instead of only trying to create Kids Mode accounts.

13           669. Defendants had actual knowledge that when under-13 users created regular  
14 accounts instead of Kids Mode accounts, their personal information would be treated  
15 without the adequate protections warranted for personal information of under-13 users  
16 online.

17           670. Defendants had actual knowledge that its "age gate" features were not  
18 reasonably adequate to protect the privacy of children's information on TikTok.

19           671. Defendants had actual knowledge that it collected personal information as  
20 defined by COPPA from users under the age of 13.

21           672. Due to Defendants' control over how youth set up accounts on TikTok,  
22 Defendants injured Georgia Plaintiffs and Georgia Class Members by violating their  
23 privacy.

24           673. Defendants could have avoided Georgia Plaintiffs' and Georgia Class  
25 Members' injuries with minimal cost, including, for example, by providing direct  
26 parental notice and requiring verifiable parental consent for its users.

27           674. Imposing a duty on Defendants would benefit the community at large.

28           675. Imposing a duty on Defendants would not be burdensome to them because

1 they have the technological and financial means to avoid the risks of harm to Georgia  
2 Plaintiffs and Georgia Class Members.

3 676. Defendants owed a heightened duty of care to youth users of TikTok  
4 because children have a diminished capacity to understand how companies collect and  
5 use their personal information and for what purpose. Additionally, Defendants owed a  
6 heightened duty of care to youth users of TikTok because it interacts directly with  
7 children out of the immediate oversight of their parents. Defendants were at all times the  
8 more sophisticated party and better positioned to understand children's privacy rights  
9 and their obligations to protect those rights adequately.

10 677. Defendants breached their duty of care that they owed Georgia Plaintiffs  
11 and Georgia Class Members through their affirmative malfeasance, actions, business  
12 decisions, and policies in TikTok's development, setup, management, maintenance,  
13 operation, supervision, and control. These breaches are based on Defendants' own  
14 actions in managing their own property—TikTok—that they made available to the  
15 public, independent of any actions taken by a third party. Those breaches include, but  
16 are not limited to:

- 17 a) Facilitating use of TikTok by youth under the age of 13, including by  
18 adopting protocols that do not ask for or verify the age or identity of users  
19 or by adopting ineffective age and identity verification protocols,  
20 b) Knowingly collecting personal information from youth under the age of  
21 13 in knowing or reckless disregard of the fact that direct notice had not  
22 been provided to parents and verifiable consent had not been obtained  
23 from parents,  
24 c) Willfully ignoring that significant numbers of under-13 users were  
25 maintaining regular TikTok accounts in violation of TikTok's policies  
26 and the 2019 Consent Decree, and  
27 d) Instructing employees not to take action to disable regular TikTok  
28 accounts for users whom employees reasonably believed were under 13

1 years old.

2 678. Defendants have breached their duty of care that they owed to Georgia  
3 Plaintiffs and Georgia Class Members through their non-feasance, failure to act, and  
4 omissions in the development, setup, management, maintenance, operation, supervision,  
5 and control of TikTok. These breaches are based on the Defendants' actions in managing  
6 their property—TikTok—that they made available to the public, independent of any  
7 actions taken by a third party. Those breaches include:

- 8 a) Failing to implement effective protocols to block users under the age of  
9 13,  
10 b) Failing to implement effective protocols to prevent the collecting,  
11 sharing, and selling of the personal information of users under the age of  
12 13 without prior affirmative authorization, and  
13 c) Failing to implement effective parental controls.

14 679. These breaches also violate COPPA since Defendants collect, use, and  
15 disclose under-13 users' personal information without notifying parents and obtaining  
16 verifiable parental consent.

17 680. Defendants' violation of COPPA constitutes negligence per se.

18 681. A reasonable company under the same or similar circumstances as  
19 Defendants would have developed, set up, managed, maintained, supervised, and  
20 operated its platforms in a manner that is safer for and more protective of youth users  
21 like Pennsylvania Plaintiffs.

22 682. At all relevant times, Georgia Plaintiffs and Georgia Class Members used  
23 TikTok in the manner it was intended to be used.

24 683. As a direct and proximate result of Defendants' breach of one or more of its  
25 duties, Georgia Plaintiffs and Georgia Class Members were harmed by Defendants'  
26 violation of Georgia Plaintiffs' and Georgia Class Members' privacy and the loss of  
27 control over when, how, and for what purpose their personal information is collected,  
28 used, and disclosed.



1           684. The harm to the Georgia Plaintiffs and Georgia Class Members is the type  
2 of harm that COPPA was intended to prevent.

3           685. The Georgia Plaintiffs and Georgia Class Members do not allege any harm  
4 or injury constituting a personal injury or emotional distress and do not seek damages  
5 based on those types of injuries.

6           686. Defendants' breach of one or more of their duties was a substantial factor in  
7 causing harms and injuries to Georgia Plaintiffs and Georgia Class Members.

8           687. But for Defendants' violation of the applicable laws and regulations related  
9 to COPPA, Georgia Plaintiffs' and Georgia Class Members' personal information would  
10 not have been used, collected, or disclosed to third parties.

11           688. As a direct and proximate result of Defendants' negligence per se, Georgia  
12 Plaintiffs and Georgia Class Members have been injured and are entitled to damages in  
13 an amount to be proven at trial.

14           689. Georgia Plaintiffs demand judgment against Defendants for injunctive relief  
15 and for compensatory, treble, and punitive damages, together with interest, costs of suit,  
16 attorneys' fees, and all such other relief as the Court deems proper.

17           **CLAIM 11 — GEORGIA FAIR BUSINESS PRACTICES ACT,**  
18           **GA. CODE ANN. § 10-1-390, *ET SEQ.***  
19           **(Against All Defendants by Plaintiff E.B., through their parent**  
20           **Ebony Baker and the Georgia Class)**

21           690. The Georgia Plaintiffs and Members of the Georgia Class incorporate the  
22 foregoing allegations as if fully set forth herein.

23           691. The Georgia Plaintiffs and Members of the Georgia Class are or were  
24 residents of Georgia and used TikTok while under the age of 13.

25           692. Ga. Code Ann. § 10-1-393(a) provides that “[u]nfair or deceptive acts or  
26 practices in the conduct of consumer transactions and consumer acts or practices in trade  
27 or commerce are declared unlawful.”

28           693. At all times mentioned herein, Defendants each engaged in “trade” or  
“commerce” in Georgia in that Defendants each engaged in the advertising, offering for

1 sale, sale, and distribution of property or any other articles, commodities, or things of  
2 value in Georgia.

3 694. Defendants violated Ga. Code Ann. § 10-1-390, *et seq.* by engaging in the  
4 unfair acts or practices proscribed by Ga. Code Ann. § 10-1-393 as outlined herein.

5 695. Defendants engaged in “unfair” business acts and/or practices. Defendants  
6 at all relevant times knowingly violated legal duties and public policy by unfairly and  
7 unlawfully collecting the personal information of the Georgia Plaintiffs and Georgia  
8 Class Members without notifying their parents and obtaining verifiable parental consent  
9 and by tracking, profiling, and targeting those children with behavioral advertising for  
10 Defendants’ commercial financial gain. These practices are unethical, unscrupulous, and  
11 substantially injurious to children, and thus constitutes an unfair practice. The harm  
12 these practices caused to the Georgia Plaintiffs and Georgia Class Members outweigh  
13 their utility, if any.

14 696. As outlined herein, TikTok represented that TikTok Kids Mode was  
15 designed for children under 13 years old by representing to children who identified  
16 themselves as being under 13 years old that the child is “about to access a TikTok  
17 experience designed just for you.” In Kids Mode, a user can view videos, but cannot  
18 upload videos, post information publicly, or message other users.

19 697. TikTok Kids Mode is not designed to be legally appropriate for children  
20 under 13 years old. In fact, TikTok Kids Mode violates COPPA and the privacy rights of  
21 children under 13 years old, including by collecting and using their personal information  
22 without providing direct notice to their parents or obtaining parental consent.

23 698. Defendants each engaged in consumer-oriented acts through the offer,  
24 promotion, and/or distribution of the TikTok app, which significantly impacted the  
25 public because TikTok is used nationwide, including in Georgia, and there are millions  
26 of users, including the Georgia Plaintiffs and Members of the Georgia Class.

27 699. Defendants at all relevant times knowingly violated legal duties and public  
28 policy by unfairly and unlawfully collecting the personal information of children under

1 13 years old and tracking, profiling, and targeting those children with behavioral  
2 advertising for Defendants' commercial financial gain.

3 700. As outlined herein, Defendants at all times had actual knowledge of their  
4 own non-compliance with COPPA and other applicable privacy-related laws. Further,  
5 Defendants at all times had actual knowledge of their collection of the personal  
6 information of the Georgia Plaintiffs and the Georgia Class Members and the tracking,  
7 profiling, and targeting of those children for lucrative behavioral advertising.

8 701. 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 for substantial commercial  
11 gain.

12 702. 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.

22 703. In particular, Defendants systematically collected and/or used personal  
23 information from children under 13 years old in violation of COPPA, and therefore the  
24 FTC Act, by:

- 25 a. Failing to provide sufficient notice of the information Defendants  
26 collected, or the information that was collected on Defendants' behalf,  
27 online from children under 13 years old, how Defendants used such  
28 information, their disclosure practices, and all other required content, in

violation of Section 312.4(d) of COPPA, 16 C.F.R. § 312.4(d);

- b. Failing to provide direct notice to parents of the information Defendants collected, or the information that was collected on Defendants' behalf, online from children under 13 years old, how Defendants used such information, their disclosure practices, and all other required content, in violation of Section 312.4(b) and (c) of COPPA, 16 C.F.R. § 312.4(b)-(c);
- 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.

704. 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 Ga. Code Ann. § 10-1-390, *et seq.* Ga. Code Ann. § 10-1-391(b) states: "It is the intent of the General Assembly that this part be interpreted and construed consistently with interpretations given by the Federal Trade Commission in the federal courts pursuant to Section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. Section 45(a)(1)), as from time to time amended."

705. Accordingly, Defendants engaged in unfair and unlawful trade acts or practices in violation of Ga. Code Ann. § 10-1-390, *et seq.*, which is modeled after, proscribes the same conduct as, and gives deference to the definitions of the FTC Act.

706. Defendants' conduct is unfair, immoral, unethical, oppressive, unscrupulous

1 and substantially injurious to consumers, and there are no greater countervailing benefits  
2 to consumers or competition. Further, the Georgia Plaintiffs and Members of the  
3 Georgia Class could not have reasonably avoided injury because Defendants each took  
4 advantage of the lack of knowledge, ability, experience, and/or capacity of consumers—  
5 in this case children under 13 years old—to their detriment.

6 707. Defendants willfully engaged in the unfair and unlawful acts described  
7 herein and knew or recklessly disregarded the fact that they violated Ga. Code Ann. §  
8 10-1-390, *et seq.*

9 708. The Georgia Plaintiffs and Members of the Georgia Class were harmed by  
10 Defendants' practices described herein, which were a substantial factor and caused  
11 injury in fact and actual damages to the Georgia Plaintiffs and Members of the Georgia  
12 Class.

13 709. As a direct and proximate result of Defendants' unfair and unlawful acts  
14 and practices in violation of Ga. Code Ann. § 10-1-390, *et seq.*, the Georgia Plaintiffs  
15 and Members of the Georgia 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, the loss of the value and/or  
18 diminishment in value of their personal information and the loss of the ability to control  
19 the use of their personal information, which allowed Defendants to profit at the expense  
20 of the Georgia Plaintiffs and Members of the Georgia Class.

21 710. As outlined herein, there is tangible value in the Georgia Plaintiffs' and  
22 Members of the Georgia Class's personal information. The Georgia Plaintiffs and  
23 Members of the Georgia Class have lost the opportunity to receive value in exchange for  
24 their personal information.

25 711. Defendants' monetization of the Georgia Plaintiffs' and Members of the  
26 Georgia Class's personal information demonstrates that there is a market for their  
27 personal information.

28 712. The Georgia Plaintiffs' and Members of the Georgia Class's personal

1 information is now in the possession of Defendants, who have used and will use it for  
2 their financial gain.

3 713. Defendants' retention of the Georgia Plaintiffs' and Members of the  
4 Georgia class's personal information presents a continuing risk to them as well as the  
5 general public. The Georgia Plaintiffs and Members of the Georgia Class seek relief for  
6 the injuries they have suffered as a result of Defendants' unfair and unlawful acts and  
7 practices, as provided by Ga. Code Ann. § 10-1-390, *et seq.*, and applicable law,  
8 including all actual damages and attorneys' fees and costs, treble damages, statutory  
9 damages, and restitution, as well as an injunction requiring Defendants to each  
10 permanently delete, destroy or otherwise sequester the personal information collected  
11 without parental consent, requiring Defendants to provide a complete audit and  
12 accounting of the uses of the personal information by them and any other third parties,  
13 and other appropriate injunctive and/or declaratory relief.

14 **E. MISSOURI CLAIMS**

15 **CLAIM 12 — MISSOURI NEGLIGENCE**

16 **(Against All Defendants by Plaintiffs A.B. and A.L. by and through their parents  
and guardians ad litem, and the Missouri Class)**

17 714. Plaintiff A.B., a minor, by and through their parent Christina Middleton and  
18 Plaintiff A.L., a minor, by and through their parent Tatum Dunne (the "Missouri  
19 Plaintiffs") and Missouri Class Members incorporate the foregoing allegations as if fully  
20 set forth herein.

21 715. At all relevant times, Defendants developed, set up, managed, maintained,  
22 operated, supervised, controlled, and benefited from Missouri Plaintiffs' and Missouri  
23 Class Members' use of TikTok.

24 716. Defendants owed Missouri Plaintiffs and Missouri Class Members a duty to  
25 exercise reasonable care in TikTok's development, setup, management, maintenance,  
26 operation, supervision, and control to protect its under-13 users' personal information.

27 717. Defendants also owed Missouri Plaintiffs and Missouri Class Members a  
28

1 duty under COPPA not to collect, use, or disclose under-13 users' personal information  
2 without notifying parents and obtaining verifiable parental consent.

3 718. Missouri Plaintiffs and Missouri Class Members are within the class of  
4 persons that COPPA was intended to protect.

5 719. Defendants also owed a special relationship duty to Missouri Plaintiffs and  
6 Missouri Class Members to protect them against harm caused by TikTok. Missouri  
7 Plaintiffs and Missouri Class Members, as children, are comparatively vulnerable and  
8 depend on Defendants for a safe environment on TikTok, and Defendants have the  
9 superior ability and control over TikTok to provide that safety on its app. The special  
10 relationship Missouri Plaintiffs and Missouri Class Members have with Defendants  
11 substantially benefits Defendants through profits and growth in users and user activity.  
12 Defendants could not successfully operate without the increase in users and user activity  
13 generated by children.

14 720. Defendants created TikTok and directed its activity through advertisements  
15 to minor users, including users under 13 years old. This created a special duty to  
16 exercise reasonable care to protect the minors from foreseeable harm while the minors  
17 were on TikTok.

18 721. Defendants have voluntarily undertaken a responsibility to keep children  
19 safe on TikTok.

20 722. Defendants are responsible not only for the result of their willful acts, but  
21 also for injuries occasioned to Missouri Plaintiffs and Missouri Members by Defendants'  
22 want of ordinary care and/or skill in the management of their property.

23 723. Missouri Plaintiffs and Missouri Class Members were foreseeable users of  
24 TikTok.

25 724. Defendants operate a website or online service directed at children under  
26 the age of 13, as defined by COPPA.

27 725. Defendants had actual knowledge that children under the age of 13, such as  
28 Missouri Plaintiffs and Missouri Class Members, were using and would use Full Access



1 Platform.

2 726. Defendants invited, solicited, and encouraged, the fact, extent, and manner  
3 of Missouri Plaintiffs' and Missouri Class Members' use of TikTok.

4 727. Defendants had actual knowledge that the use of TikTok (as developed, set  
5 up, managed, maintained, supervised, and operated by Defendants) would result in  
6 Defendants collecting and using Missouri Plaintiffs' and Missouri Class Members'  
7 personal information.

8 728. At all relevant times, Defendants had actual knowledge that TikTok (as  
9 developed, setup, managed, maintained, supervised, and operated by that Defendant)  
10 posed unreasonable risks of harm to youth such as Missouri Plaintiffs and Missouri  
11 Class Members through the collection, use, and/or disclosure of their personal  
12 information. Those risks were known and knowable, including in light of the multiple  
13 previous violations of minor children's privacy on TikTok in the last decade.

14 729. Defendants had actual knowledge that their under-13 users would attempt  
15 to create regular accounts instead of only trying to create Kids Mode accounts.

16 730. Defendants had actual knowledge that when under-13 users created regular  
17 accounts instead of Kids Mode accounts, their personal information would be treated  
18 without the adequate protections warranted for personal information of under-13 users  
19 online.

20 731. Defendants had actual knowledge that its "age gate" features were not  
21 reasonably adequate to protect the privacy of children's information on TikTok.

22 732. Defendants had actual knowledge that it collected personal information as  
23 defined by COPPA from users under the age of 13.

24 733. Due to Defendants' control over how youth set up accounts on TikTok,  
25 Defendants injured Missouri Plaintiffs and Missouri Class Members by violating their  
26 privacy.

27 734. Defendants could have avoided Missouri Plaintiffs' and Missouri Class  
28 Members' injuries with minimal cost, including, for example, by providing direct

1 parental notice and requiring verifiable parental consent for its users.

2 735. Imposing a duty on Defendants would benefit the community at large.

3 736. Imposing a duty on Defendants would not be burdensome to them because  
4 they have the technological and financial means to avoid the risks of harm to Missouri  
5 Plaintiffs and Missouri Class Members.

6 737. Defendants owed a heightened duty of care to youth users of TikTok  
7 because children have a diminished capacity to understand how companies collect and  
8 use their personal information and for what purpose. Additionally, Defendants owed a  
9 heightened duty of care to youth users of TikTok because it interacts directly with  
10 children out of the immediate oversight of their parents. Defendants were at all times the  
11 more sophisticated party and better positioned to understand children's privacy rights  
12 and their obligations to protect those rights adequately.

13 738. Defendants breached their duty of care that they owed Missouri Plaintiffs  
14 and Missouri Class Members through their affirmative malfeasance, actions, business  
15 decisions, and policies in TikTok's development, setup, management, maintenance,  
16 operation, supervision, and control. These breaches are based on Defendants' own  
17 actions in managing their own property—TikTok—that they made available to the  
18 public, independent of any actions taken by a third party. Those breaches include, but  
19 are not limited to:

- 20 a) Facilitating use of TikTok by youth under the age of 13, including by  
21 adopting protocols that do not ask for or verify the age or identity of users  
22 or by adopting ineffective age and identity verification protocols,  
23 b) Knowingly collecting personal information from youth under the age of  
24 13 in knowing or reckless disregard of the fact that direct notice had not  
25 been provided to parents and verifiable consent had not been obtained  
26 from parents,  
27 c) Willfully ignoring that significant numbers of under-13 users were  
28 maintaining regular TikTok accounts in violation of TikTok's policies

1 and the 2019 Consent Decree, and

2 d) Instructing employees not to take action to disable regular TikTok  
3 accounts for users whom employees reasonably believed were under 13  
4 years old.

5 739. Defendants have breached their duty of care that they owed to Missouri  
6 Plaintiffs and Missouri Class Members through their non-feasance, failure to act, and  
7 omissions in the development, setup, management, maintenance, operation, supervision,  
8 and control of TikTok. These breaches are based on the Defendants' actions in managing  
9 their property—TikTok—that they made available to the public, independent of any  
10 actions taken by a third party. Those breaches include:

- 11 a) Failing to implement effective protocols to block users under the age of  
12 13,  
13 b) Failing to implement effective protocols to prevent the collecting,  
14 sharing, and selling of the personal information of users under the age of  
15 13 without prior affirmative authorization, and  
16 c) Failing to implement effective parental controls.

17 740. These breaches also violate COPPA since Defendants collect, use, and  
18 disclose under-13 users' personal information without notifying parents and obtaining  
19 verifiable parental consent.

20 741. Defendants' violation of COPPA constitutes negligence per se.

21 742. A reasonable company under the same or similar circumstances as  
22 Defendants would have developed, set up, managed, maintained, supervised, and  
23 operated its platforms in a manner that is safer for and more protective of youth users  
24 like Missouri Plaintiffs.

25 743. At all relevant times, Missouri Plaintiffs and Missouri Class Members used  
26 TikTok in the manner it was intended to be used.

27 744. As a direct and proximate result of Defendants' breach of one or more of its  
28 duties, Missouri Plaintiffs and Missouri Class Members were harmed by Defendants'

1 violation of Missouri Plaintiffs' and Missouri Class Members' privacy and the loss of  
2 control over when, how, and for what purpose their personal information is collected,  
3 used, and disclosed.

4 745. The harm to the Missouri Plaintiffs and Missouri Class Members is the type  
5 of harm that COPPA was intended to prevent.

6 746. The Missouri Plaintiffs and Missouri Class Members do not allege any  
7 harm or injury constituting a personal injury or emotional distress and do not seek  
8 damages based on those types of injuries.

9 747. Defendants' breach of one or more of their duties was a substantial factor in  
10 causing harms and injuries to Missouri Plaintiffs and Missouri Class Members.

11 748. But for Defendants' violation of the applicable laws and regulations related  
12 to COPPA, Missouri Plaintiffs' and Missouri Class Members' personal information  
13 would not have been used, collected, or disclosed to third parties.

14 749. As a direct and proximate result of Defendants' negligence per se, Missouri  
15 Plaintiffs and Missouri Class Members have been injured and are entitled to damages in  
16 an amount to be proven at trial.

17 750. Missouri Plaintiffs demand judgment against Defendants for injunctive  
18 relief and for compensatory, treble, and punitive damages, together with interest, costs of  
19 suit, attorneys' fees, and all such other relief as the Court deems proper.

20 **CLAIM 13 — MISSOURI MERCHANDISING PRACTICES ACT (MMPA),**  
21 **MO. REV. STAT. ANN. CH. 407**  
22 **(Against All Defendants by Plaintiffs A.B. and A.L. by and through their parents**  
**and guardians ad litem, and the Missouri Class)**

23 751. The Missouri Plaintiffs and Members of the Missouri Class incorporate the  
24 foregoing allegations as if fully set forth herein.

25 752. The Missouri Plaintiffs and Members of the Missouri Class are or were  
26 residents of Missouri and used TikTok while under the age of 13.

27 753. Mo. Rev. Stat. Ann. § 407.020 provides that "[t]he act, use or employment  
28 by any person of any deception, fraud, false pretense, false promise, misrepresentation,

1 unfair practice or the concealment, suppression, or omission of any material fact in  
2 connection with the sale or advertisement of any merchandise in trade or commerce or  
3 the solicitation of any funds for any charitable purpose, as defined in section 407.453, in  
4 or from the state of Missouri, is declared to be an unlawful practice.”

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

9 755. Defendants violated Mo. Rev. Stat. Ann. ch. 407 by engaging in the unfair  
10 acts or practices proscribed by Mo. Rev. Stat. Ann. § 407.020 as outlined herein.

11 756. Defendants engaged in “unfair” business acts and/or practices. Defendants  
12 at all relevant times knowingly violated legal duties and public policy by unfairly and  
13 unlawfully collecting the personal information of the Missouri Plaintiffs and Missouri  
14 Class Members without notifying their parents and obtaining verifiable parental consent  
15 and by tracking, profiling, and targeting those children with behavioral advertising for  
16 Defendants’ commercial financial gain. These practices are unethical, unscrupulous, and  
17 substantially injurious to children, and thus constitutes an unfair practice. The harm  
18 these practices caused to the Missouri Plaintiffs and Missouri Class Members outweigh  
19 their utility, if any.

20 757. 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 old 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.

25 758. 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 of  
27 children under 13 years old, including by collecting and using their personal information  
28 without providing direct notice to their parents or obtaining parental consent.

1           759. Defendants each engaged in consumer-oriented acts through the offer,  
2 promotion, and/or distribution of the TikTok app, which significantly impacted the  
3 public because TikTok is used nationwide, including in Missouri, and there are millions  
4 of users, including the Missouri Plaintiffs and Members of the Missouri Class.

5           760. Defendants at all relevant times knowingly violated legal duties and public  
6 policy by unfairly and unlawfully collecting the personal information of children under  
7 13 years old and tracking, profiling, and targeting those children with behavioral  
8 advertising for Defendants' commercial financial gain.

9           761. As outlined herein, Defendants at all times had actual knowledge of their  
10 own non-compliance with COPPA and other applicable privacy-related laws. Further,  
11 Defendants at all times had actual knowledge that they were collecting Private  
12 Information from users under the age of 13 including the Missouri Plaintiffs and the  
13 Missouri Class Members and for purposes of tracking, profiling, and targeting of those  
14 children for lucrative behavioral advertising.

15           762. As outlined herein, Defendants intentionally designed TikTok to, among  
16 other things, attract children under 13 by making child-directed content available to  
17 them so that TikTok could collect the personal information for substantial commercial  
18 gain.

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

1           764. In particular, Defendants systematically collected and/or used personal  
2 information from children under 13 years old in violation of COPPA, and therefore the  
3 FTC Act, by:

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

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



1 model for the various consumer protection statutes in the several states.<sup>100</sup>

2 766. Accordingly, Defendants engaged in unfair and unlawful trade acts or  
3 practices in violation of Mo. Rev. Stat. Ann. ch. 407, which proscribes the similar  
4 conduct as the FTC Act.

5 767. Defendants' conduct is unfair, immoral, unethical, oppressive, unscrupulous  
6 and substantially injurious to consumers, and there are no greater countervailing benefits  
7 to consumers or competition. Further, the Missouri Plaintiffs and Members of the  
8 Missouri Class could not have reasonably avoided injury because Defendants each took  
9 advantage of the lack of knowledge, ability, experience, and/or capacity of consumers—  
10 in this case children under 13 years old—to their detriment.

11 768. Defendants willfully engaged in the unfair and unlawful acts described  
12 herein and knew or recklessly disregarded the fact that they violated Mo. Rev. Stat. Ann.  
13 ch. 407.

14 769. The Missouri Plaintiffs and Members of the Missouri Class were harmed by  
15 Defendants' practices described herein, which were a substantial factor and caused  
16 injury in fact and actual damages to the Missouri Plaintiffs and Members of the Missouri  
17 Class.

18 770. As a direct and proximate result of Defendants' unfair and unlawful acts  
19 and practices in violation of Mo. Rev. Stat. Ann. ch. 407, the Missouri Plaintiffs and  
20 Members of the Missouri Class have suffered and will continue to suffer an  
21 ascertainable loss of money or property, real or personal, and monetary and non-  
22 monetary damages, as described herein, including, inter alia, the loss of the value and/or  
23 diminishment in value of their personal information and the loss of the ability to control  
24 the use of their personal information, which allowed Defendants to profit at the expense  
25

26  
27 <sup>100</sup> 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 of the Missouri Plaintiffs and Members of the Missouri Class.

2 771. As outlined herein, there is tangible value in the Missouri Plaintiffs' and  
3 Members of the Missouri Class's personal information. The Missouri Plaintiffs and  
4 Members of the Missouri Class have lost the opportunity to receive value in exchange  
5 for their personal information.

6 772. Defendants' monetization of the Missouri Plaintiffs' and Members of the  
7 Missouri Class's personal information demonstrates that there is a market for their  
8 personal information.

9 773. The Missouri Plaintiffs' and Members of the Missouri Class's personal  
10 information is now in the possession of Defendants, who have used and will use it for  
11 their financial gain.

12 774. Defendants' retention of the Missouri Plaintiffs' and Members of the  
13 Missouri class's personal information presents a continuing risk to them as well as the  
14 general public. The Missouri Plaintiffs and Members of the Missouri Class seek relief  
15 for the injuries they have suffered as a result of Defendants' unfair and unlawful acts and  
16 practices, as provided by Mo. Rev. Stat. Ann. ch. 407, and applicable law, including all  
17 actual damages and attorneys' fees and costs, treble damages, statutory damages, and  
18 restitution, as well as an injunction requiring Defendants to each permanently delete,  
19 destroy or otherwise sequester the personal information collected without parental  
20 consent, requiring Defendants to provide a complete audit and accounting of the uses of  
21 the personal information by them and any other third parties, and other appropriate  
22 injunctive and/or declaratory relief.

23 **F. NEW YORK CLAIMS**

24 **CLAIM 14 — NEW YORK CIVIL RIGHTS LAW §§ 50-51**  
25 **(Against All Defendants by Plaintiffs M.G. V.M., and I.T. by and through their**  
26 **parents and guardians ad litem and the New York Class)**

27 775. Plaintiff M.G., a minor, by and through their parent and guardian ad litem,  
28 Valerie Gates; Plaintiff V.M., a minor, by and through their parent and guardian ad litem

1 Ebony Nielsen; and Plaintiff I.T., a minor, by and through their parent Yeni Castro (the  
2 “New York Plaintiffs”) and Members of the New York Class re-allege the foregoing  
3 allegations as if fully set forth herein.

4 776. The New York Plaintiffs and Members of the New York Class are or were  
5 residents of New York.

6 777. TikTok has violated N.Y. Civil Rights Law §§ 50-51 by invading the  
7 privacy of the New York Plaintiffs and Members of the New York Class and  
8 misappropriating their likeness within the State of New York.

9 778. At no point did TikTok receive parental permission or consent, be it written  
10 or otherwise, to use the identities, photographs, likenesses, and personal information of  
11 Plaintiffs’ and Members of the New York Class in connection with TikTok’s business.  
12 TikTok nonetheless collected first and last name; online contact information; screen or  
13 user name functioning in the same manner as online contact information; telephone  
14 number; persistent identifiers (including IP address and “cookies”); photo, video, and  
15 audio files containing a child’s image or voice; and unique device identifiers. TikTok  
16 used the personal information it collected from children to aid in its tracking, profiling,  
17 and targeting of those children for lucrative behavioral advertising.

18 779. At relevant times, TikTok was aware that it never received the permission  
19 or consent of the New York Plaintiffs and Members of the New York Class to use their  
20 identities, photographs, likenesses, and other personal information in connection with  
21 TikTok’s business.

22 780. As outlined herein, TikTok at all times had actual knowledge of its own  
23 non-compliance with COPPA and other applicable privacy-related laws. Further, TikTok  
24 at all times had actual knowledge of its own collection of the personal information from  
25 the New York Plaintiffs and New York Class Members and the tracking, profiling, and  
26 targeting of those children for lucrative behavioral advertising for financial gain.

27 781. At no point did TikTok compensate the New York Plaintiffs or Members of  
28 the New York Class for the unauthorized use of the identities, photographs, likenesses,

1 and personal information of New York Plaintiffs' and Members of the New York Class  
2 in connection with TikTok's business.

3 782. TikTok used the identities, photographs, likenesses, and personal  
4 information of the New York Plaintiffs or Members of the New York Class in  
5 connection with its business for the purposes of trade. TikTok has received revenues and  
6 profits from unjustly and illegally collecting and using the identities, photographs,  
7 likenesses, or personal information of children under the age of 13 to build profiles and  
8 target advertisements to those children.

9 783. TikTok's primary source of income is advertising revenue, earned by  
10 showing third-party advertisements to users on its platform. TikTok generates this  
11 revenue via tracking, profiling, and targeting advertising based on personal information  
12 it collects from children.

13 784. There is no valid privilege or authorization permitting TikTok to use the  
14 identities, photographs, likenesses, or personal information of the New York Plaintiffs or  
15 the New York Class Members in relation to its business activities.

16 785. As a direct and proximate result of TikTok's violation of the rights of  
17 privacy and publicity under §§ 50 and 51 of the N.Y. Civil Rights Act, the New York  
18 Plaintiffs and Members of the New York Class have suffered and will continue to suffer  
19 an ascertainable loss of money or property, real or personal, and monetary and non-  
20 monetary damages, as described herein, including, *inter alia*, the loss of the value and/or  
21 diminishment in value of their personal information and the loss of the ability to control  
22 the use of their personal information.

23 786. In addition, and pursuant to § 51 of the N.Y. Civil Rights Act, the New  
24 York Plaintiffs and Members of the New York Class hereby request an Order  
25 permanently enjoining TikTok from violating their right to privacy and publicity.

26 **CLAIM 15 — NEW YORK NEGLIGENCE**  
27 **(Against All Defendants by Plaintiffs M.G. V.M., and I.T. by and through their**  
28 **parents and guardians ad litem and the New York Class)**

1 787. The New York Plaintiffs and New York Class Members incorporate the  
2 foregoing allegations as if fully set forth herein.

3 788. At all relevant times, Defendants developed, set up, managed, maintained,  
4 operated, supervised, controlled, and benefited from New York Plaintiffs' and New  
5 York Class Members' use of TikTok.

6 789. Defendants owed New York Plaintiffs and New York Class Members a  
7 duty to exercise reasonable care in TikTok's development, setup, management,  
8 maintenance, operation, supervision, and control to protect its under-13 users' personal  
9 information.

10 790. Defendants also owed New York Plaintiffs and New York Class Members a  
11 duty under COPPA not to collect, use, or disclose under-13 users' personal information  
12 without notifying parents and obtaining verifiable parental consent.

13 791. New York Plaintiffs and New York Class Members are within the class of  
14 persons that COPPA was intended to protect.

15 792. Defendants also owed a special relationship duty to New York Plaintiffs  
16 and New York Class Members to protect them against harm caused by TikTok. New  
17 York Plaintiffs and New York Class Members, as children, are comparatively vulnerable  
18 and depend on Defendants for a safe environment on TikTok, and Defendants have the  
19 superior ability and control over TikTok to provide that safety on its app. The special  
20 relationship New York Plaintiffs and New York Class Members have with Defendants  
21 substantially benefits Defendants through profits and growth in users and user activity.  
22 Defendants could not successfully operate without the increase in users and user activity  
23 generated by children.

24 793. Defendants created TikTok and directed its activity through advertisements  
25 to minor users, including users under 13 years old. This created a special duty to  
26 exercise reasonable care to protect the minors from foreseeable harm while the minors  
27 were on TikTok.

28 794. Defendants have voluntarily undertaken a responsibility to keep children

1 safe on TikTok.

2 795. Defendants are responsible not only for the result of their willful acts, but  
3 also for injuries occasioned to New York Plaintiffs and New York Members by  
4 Defendants' want of ordinary care and/or skill in the management of their property.

5 796. New York Plaintiffs and New York Class Members were foreseeable users  
6 of TikTok.

7 797. Defendants operate a website or online service directed at children under  
8 the age of 13, as defined by COPPA.

9 798. Defendants had actual knowledge that children under the age of 13, such as  
10 New York Plaintiffs and New York Class Members, were using and would use Full  
11 Access Platform.

12 799. Defendants invited, solicited, and encouraged the fact, extent, and manner  
13 of New York Plaintiffs' and New York Class Members' use of TikTok.

14 800. Defendants had actual knowledge that the use of TikTok (as developed, set  
15 up, managed, maintained, supervised, and operated by Defendants) would result in  
16 Defendants collecting and using New York Plaintiffs' and New York Class Members'  
17 personal information in a reasonably foreseeable manner.

18 801. At all relevant times, Defendants had actual knowledge that TikTok (as  
19 developed, setup, managed, maintained, supervised, and operated by that Defendant)  
20 posed unreasonable risks of harm to youth such as New York Plaintiffs and New York  
21 Class Members through the collection, use, and/or disclosure of their personal  
22 information. Those risks were known and knowable, including in light of the multiple  
23 previous violations of minor children's privacy on TikTok in the last decade.

24 802. Defendants had actual knowledge that their under-13 users would attempt  
25 to create regular accounts instead of only trying to create Kids Mode accounts.

26 803. Defendants had actual knowledge that when under-13 users created regular  
27 accounts instead of Kids Mode accounts, their personal information would be treated  
28 without the adequate protections warranted for personal information of under-13 users

1 online.

2 804. Defendants had actual knowledge that its “age gate” features were not  
3 reasonably adequate to protect the privacy of children’s information on TikTok.

4 805. Defendants had actual knowledge that it collected personal information as  
5 defined by COPPA from users under the age of 13.

6 806. Due to Defendants’ control over how youth set up accounts on TikTok,  
7 Defendants injured New York Plaintiffs and New York Class Members by violating  
8 their privacy.

9 807. Defendants could have avoided New York Plaintiffs’ and New York Class  
10 Members’ injuries with minimal cost, including, for example, by providing direct  
11 parental notice and requiring verifiable parental consent for its users.

12 808. Imposing a duty on Defendants would benefit the community at large.

13 809. Imposing a duty on Defendants would not be burdensome to them because  
14 they have the technological and financial means to avoid the risks of harm to New York  
15 Plaintiffs and New York Class Members.

16 810. Defendants owed a heightened duty of care to youth users of TikTok  
17 because children have a diminished capacity to understand how companies collect and  
18 use their personal information and for what purpose. Additionally, Defendants owed a  
19 heightened duty of care to youth users of TikTok because it interacts directly with  
20 children out of the immediate oversight of their parents. Defendants were at all times the  
21 more sophisticated party and better positioned to understand children’s privacy rights  
22 and their obligations to protect those rights adequately.

23 811. Defendants breached their duty of care that they owed New York Plaintiffs  
24 and New York Class Members through their affirmative malfeasance, actions, business  
25 decisions, and policies in TikTok’s development, setup, management, maintenance,  
26 operation, supervision, and control. These breaches are based on Defendants’ own  
27 actions in managing their own property—TikTok—that they made available to the  
28 public, independent of any actions taken by a third party. Those breaches include, but



are not limited to:

- a) Facilitating use of TikTok by youth under the age of 13, including by adopting protocols that do not ask for or verify the age or identity of users or by adopting ineffective age and identity verification protocols,
- b) Knowingly collecting personal information from youth under the age of 13 in knowing or reckless disregard of the fact that direct notice had not been provided to parents and verifiable consent had not been obtained from parents,
- c) Willfully ignoring that significant numbers of under-13 users were maintaining regular TikTok accounts in violation of TikTok's policies and the 2019 Consent Decree, and
- d) Instructing employees not to take action to disable regular TikTok accounts for users whom employees reasonably believed were under 13 years old.

812. Defendants have breached their duty of care that they owed to New York Plaintiffs and New York Class Members through their non-feasance, failure to act, and omissions in the development, setup, management, maintenance, operation, supervision, and control of TikTok. These breaches are based on the Defendants' actions in managing their property—TikTok—that they made available to the public, independent of any actions taken by a third party. Those breaches include:

- a) Failing to implement effective protocols to block users under the age of 13,
- b) Failing to implement effective protocols to prevent the collecting, sharing, and selling of the personal information of users under the age of 13 without prior affirmative authorization, and
- c) Failing to implement effective parental controls.

813. These breaches also violate COPPA since Defendants collect, use, and disclose under-13 users' personal information without notifying parents and obtaining

1 verifiable parental consent.

2 814. Defendants' violation of COPPA constitutes negligence per se.

3 815. 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 New York Plaintiffs.

7 816. At all relevant times, New York Plaintiffs and New York Class Members  
8 used TikTok in the manner it was intended to be used.

9 817. As a direct and proximate result of Defendants' breach of one or more of its  
10 duties, New York Plaintiffs and New York Class Members were harmed by Defendants'  
11 violation of New York Plaintiffs' and New York 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.

14 818. The harm to the New York Plaintiffs and New York Class Members is the  
15 type of harm that COPPA was intended to prevent.

16 819. The New York Plaintiffs and New York Class Members do not allege any  
17 harm or injury constituting a personal injury or emotional distress and do not seek  
18 damages based on those types of injuries.

19 820. Defendants' breach of one or more of their duties was a substantial factor in  
20 causing harms and injuries to New York Plaintiffs and New York Class Members.

21 821. But for Defendants' violation of the applicable laws and regulations related  
22 to COPPA, New York Plaintiffs' and New York Class Members' personal information  
23 would not have been used, collected, or disclosed to third parties.

24 822. As a direct and proximate result of Defendants' negligence per se, New  
25 York Plaintiffs and New York Class Members have been injured and are entitled to  
26 damages in an amount to be proven at trial.

27 823. New York Plaintiffs demand judgment against Defendants for injunctive  
28 relief and for compensatory, treble, and punitive damages, together with interest, costs of

1 suit, attorneys' fees, and all such other relief as the Court deems proper.

2 **G. PENNSYLVANIA CLAIMS**

3 **CLAIM 16 — PENNSYLVANIA NEGLIGENCE**

4 **(Against All Defendants by Plaintiffs Z.B. and I.B., minors, by and through their**  
5 **parent, Steven Burda, and the Pennsylvania Class)**

6 824. Plaintiffs Z.N. and I.B., minors, by and through their parent Steven Burda  
7 (the "Pennsylvania Plaintiffs") and Pennsylvania Class Members incorporate the  
8 foregoing allegations as if fully set forth herein.

9 825. At all relevant times, Defendants developed, set up, managed, maintained,  
10 operated, supervised, controlled, and benefited from Pennsylvania Plaintiffs' and  
11 Pennsylvania Class Members' use of TikTok.

12 826. Defendants owed Pennsylvania Plaintiffs and Pennsylvania Class Members  
13 a 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.

16 827. Defendants also owed Pennsylvania Plaintiffs and Pennsylvania 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.

19 828. Pennsylvania Plaintiffs and Pennsylvania Class Members are within the  
20 class of persons that COPPA was intended to protect.

21 829. Defendants also owed a special relationship duty to Pennsylvania Plaintiffs  
22 and Pennsylvania Class Members to protect them against harm caused by TikTok.  
23 Pennsylvania Plaintiffs and Pennsylvania Class Members, as children, are comparatively  
24 vulnerable and depend on Defendants for a safe environment on TikTok, and Defendants  
25 have the superior ability and control over TikTok to provide that safety on its app. The  
26 special relationship Pennsylvania Plaintiffs and Pennsylvania Class Members have with  
27 Defendants substantially benefits Defendants through profits and growth in users and  
28 user activity. Defendants could not successfully operate without the increase in users and

1 user activity generated by children.

2 830. Defendants created TikTok and directed its activity through advertisements  
3 to minor users, including users under 13 years old. This created a special duty to  
4 exercise reasonable care to protect the minors from foreseeable harm while the minors  
5 were on TikTok.

6 831. Defendants have voluntarily undertaken a responsibility to keep children  
7 safe on TikTok.

8 832. Defendants are responsible not only for the result of their willful acts, but  
9 also for injuries occasioned to Pennsylvania Plaintiffs and Pennsylvania Members by  
10 Defendants' want of ordinary care and/or skill in the management of their property.

11 833. Pennsylvania Plaintiffs and Pennsylvania Class Members were foreseeable  
12 users of TikTok.

13 834. Defendants operate a website or online service directed at children under  
14 the age of 13, as defined by COPPA.

15 835. Defendants had actual knowledge that children under the age of 13, such as  
16 Pennsylvania Plaintiffs and Pennsylvania Class Members, were using and would use  
17 Full Access Platform.

18 836. Defendants invited, solicited, and encouraged the fact, extent, and manner  
19 of Pennsylvania Plaintiffs' and Pennsylvania Class Members' use of TikTok.

20 837. Defendants had actual knowledge that the use of TikTok (as developed, set  
21 up, managed, maintained, supervised, and operated by Defendants) would result in  
22 Defendants collecting and using Pennsylvania Plaintiffs' and Pennsylvania Class  
23 Members' personal information.

24 838. At all relevant times, Defendants had actual knowledge that TikTok (as  
25 developed, setup, managed, maintained, supervised, and operated by that Defendant)  
26 posed unreasonable risks of harm to youth such as Pennsylvania Plaintiffs and  
27 Pennsylvania Class Members through the collection, use, and/or disclosure of their  
28 personal information. Those risks were known and knowable, including in light of the

multiple previous violations of minor children’s privacy on TikTok in the last decade.

839. Defendants had actual knowledge that their under-13 users would attempt to create regular accounts instead of only trying to create Kids Mode accounts.

840. Defendants had actual knowledge that when under-13 users created regular accounts instead of Kids Mode accounts, their personal information would be treated without the adequate protections warranted for personal information of under-13 users online.

841. Defendants had actual knowledge that its “age gate” features were not reasonably adequate to protect the privacy of children’s information on TikTok.

842. Defendants had actual knowledge that it collected personal information as defined by COPPA from users under the age of 13.

843. Due to Defendants’ control over how youth set up accounts on TikTok, Defendants injured Pennsylvania Plaintiffs and Pennsylvania Class Members by violating their privacy.

844. Defendants could have avoided Pennsylvania Plaintiffs’ and Pennsylvania Class Members’ injuries with minimal cost, including, for example, by providing direct parental notice and requiring verifiable parental consent for its users.

845. Imposing a duty on Defendants would benefit the community at large.

846. Imposing a duty on Defendants would not be burdensome to them because they have the technological and financial means to avoid the risks of harm to Pennsylvania Plaintiffs and Pennsylvania Class Members.

847. Defendants owed a heightened duty of care to youth users of TikTok because children have a diminished capacity to understand how companies collect and use their personal information and for what purpose. Additionally, Defendants owed a heightened duty of care to youth users of TikTok because it interacts directly with children out of the immediate oversight of their parents. Defendants were at all times the more sophisticated party and better positioned to understand children’s privacy rights and their obligations to protect those rights adequately.

1           848. Defendants breached their duty of care that they owed Pennsylvania  
2 Plaintiffs and Pennsylvania Class Members through their affirmative malfeasance,  
3 actions, business decisions, and policies in TikTok's development, setup, management,  
4 maintenance, operation, supervision, and control. These breaches are based on  
5 Defendants' own actions in managing their own property—TikTok—that they made  
6 available to the public, independent of any actions taken by a third party. Those breaches  
7 include, but are not limited to:

- 8           a) Facilitating use of TikTok by youth under the age of 13, including by  
9           adopting protocols that do not ask for or verify the age or identity of users  
10           or by adopting ineffective age and identity verification protocols,  
11           b) Knowingly collecting personal information from youth under the age of  
12           13 in knowing or reckless disregard of the fact that direct notice had not  
13           been provided to parents and verifiable consent had not been obtained  
14           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  
17           and the 2019 Consent Decree, and  
18           d) Instructing employees not to take action to disable regular TikTok  
19           accounts for users whom employees reasonably believed were under 13  
20           years old.

21           849. Defendants have breached their duty of care that they owed to Pennsylvania  
22 Plaintiffs and Pennsylvania Class Members through their non-feasance, failure to act,  
23 and omissions in the development, setup, management, maintenance, operation,  
24 supervision, and control of TikTok. These breaches are based on the Defendants' actions  
25 in managing their property—TikTok—that they made available to the public,  
26 independent of any actions taken by a third party. Those breaches include:

- 27           a) Failing to implement effective protocols to block users under the age of  
28           13,

b) Failing to implement effective protocols to prevent the collecting, sharing, and selling of the personal information of users under the age of 13 without prior affirmative authorization, and

c) Failing to implement effective parental controls.

850. These breaches also violate COPPA since Defendants collect, use, and disclose under-13 users' personal information without notifying parents and obtaining verifiable parental consent.

851. Defendants' violation of COPPA constitutes negligence per se.

852. A reasonable company under the same or similar circumstances as Defendants would have developed, set up, managed, maintained, supervised, and operated its platforms in a manner that is safer for and more protective of youth users like Pennsylvania Plaintiffs.

853. At all relevant times, Pennsylvania Plaintiffs and Pennsylvania Class Members used TikTok in the manner it was intended to be used.

854. As a direct and proximate result of Defendants' breach of one or more of its duties, Pennsylvania Plaintiffs and Pennsylvania Class Members were harmed by Defendants' violation of Pennsylvania Plaintiffs' and Pennsylvania Class Members' privacy and the loss of control over when, how, and for what purpose their personal information is collected, used, and disclosed.

855. The harm to the Pennsylvania Plaintiffs and Pennsylvania Class Members is the type of harm that COPPA was intended to prevent.

856. The Pennsylvania Plaintiffs and Pennsylvania Class Members do not allege any harm or injury constituting a personal injury or emotional distress and do not seek damages based on those types of injuries.

857. Defendants' breach of one or more of their duties was a substantial factor in causing harms and injuries to Pennsylvania Plaintiffs and Pennsylvania Class Members.

858. But for Defendants' violation of the applicable laws and regulations related to COPPA, Pennsylvania Plaintiffs' and Pennsylvania Class Members' personal



1 information would not have been used, collected, or disclosed to third parties.

2 859. As a direct and proximate result of Defendants' negligence per se,  
3 Pennsylvania Plaintiffs and Pennsylvania Class Members have been injured and are  
4 entitled to damages in an amount to be proven at trial.

5 860. Pennsylvania Plaintiffs demand judgment against Defendants for injunctive  
6 relief and for compensatory, treble, and punitive damages, together with interest, costs of  
7 suit, attorneys' fees, and all such other relief as the Court deems proper.

8 **CLAIM 17 — PENNSYLVANIA UNFAIR TRADE PRACTICES AND**  
9 **CONSUMER PROTECTION LAW (UTCPL), PA. STAT. ANN. TIT. 73 § 210-1**  
10 ***ET SEQ.***

11 **(Against All Defendants by Plaintiffs Z.B. and I.B., minors, by and through their**  
12 **parent, Steven Burda, and the Pennsylvania Class)**

13 861. The Pennsylvania Plaintiffs and Members of the Pennsylvania Class  
14 incorporate the foregoing allegations as if fully set forth herein.

15 862. The Pennsylvania Plaintiffs and Members of the Pennsylvania Class are or  
16 were residents of Pennsylvania and used TikTok while under the age of 13.

17 863. Pa. Stat. Ann. tit. 73, § 201-3 provides that “[u]nfair or deceptive acts or  
18 practices in the conduct of any trade or commerce as defined by subclauses (i) through  
19 (xxi) of clause (4) of section 2 of this act and regulations promulgated under section 3.1  
20 of this act are hereby unlawful.”

21 864. At all times mentioned herein, Defendants each engaged in “trade” or  
22 “commerce” in Pennsylvania in that Defendants each engaged in the advertising,  
23 offering for sale, sale, and distribution of property or any other articles, commodities, or  
24 things of value in Pennsylvania.

25 865. Defendants violated Pa. Stat. Ann. tit. 73, § 201-1 *et seq.* by engaging in the  
26 unfair acts or practices proscribed by Pa. Stat. Ann. tit. 73, § 201-3 as outlined herein.

27 866. 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

1 Pennsylvania Class Members without notifying their parents and obtaining verifiable  
2 parental consent and by tracking, profiling, and targeting those children with behavioral  
3 advertising for Defendants' commercial financial gain. These practices are unethical,  
4 unscrupulous, and substantially injurious to children, and thus constitutes an unfair  
5 practice. The harm these practices caused to the Pennsylvania Plaintiffs and  
6 Pennsylvania Class Members outweigh their utility, if any.

7 867. As outlined herein, TikTok represented that TikTok Kids Mode was  
8 designed for children under 13 years old by representing to children who identified  
9 themselves as being under 13 years old that the child is "about to access a TikTok  
10 experience designed just for you." In Kids Mode, a user can view videos, but cannot  
11 upload videos, post information publicly, or message other users.

12 868. TikTok Kids Mode is not designed to be legally appropriate for children  
13 under 13 years old. In fact, TikTok Kids Mode violates COPPA and the privacy rights of  
14 children under 13 years old, including by collecting and using their personal information  
15 without providing direct notice to their parents or obtaining parental consent.

16 869. 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.

21 870. 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.

25 871. 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.

3 872. 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.

7 873. 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.

17 874. 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  
21 collected, or the information that was collected on Defendants'  
22 behalf, online from children under 13 years old, how Defendants  
23 used such information, their disclosure practices, and all other  
24 required content, in violation of Section 312.4(d) of COPPA, 16  
25 C.F.R. § 312.4(d);
- 26 b. Failing to provide direct notice to parents of the information  
27 Defendants collected, or the information that was collected on  
28 Defendants' behalf, online from children under 13 years old, how

Defendants used such information, their disclosure practices, and all other required content, in violation of Section 312.4(b) and (c) of COPPA, 16 C.F.R. § 312.4(b)-(c);

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.

875. 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.*<sup>101</sup>

876. 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.

877. 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

---

<sup>101</sup> 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 consumers—in this case children under 13 years old—to their detriment.

2 878. Defendants willfully engaged in the unfair and unlawful acts described  
3 herein and knew or recklessly disregarded the fact that they violated Pa. Stat. Ann. tit.  
4 73, § 201-1 *et seq.*

5 879. The Pennsylvania Plaintiffs and Members of the Pennsylvania Class were  
6 harmed by Defendants' practices described herein, which were a substantial factor and  
7 caused injury in fact and actual damages to the Pennsylvania Plaintiffs and Members of  
8 the Pennsylvania Class.

9 880. As a direct and proximate result of Defendants' unfair and unlawful acts  
10 and practices in violation of Pa. Stat. Ann. tit. 73, § 201-1 *et seq.*, the Pennsylvania  
11 Plaintiffs and Members of the Pennsylvania Class have suffered and will continue to  
12 suffer an ascertainable loss of money or property, real or personal, and monetary and  
13 non-monetary damages, as described herein, including, inter alia, the loss of the value  
14 and/or diminishment in value of their personal information and the loss of the ability to  
15 control the use of their personal information, which allowed Defendants to profit at the  
16 expense of the Pennsylvania Plaintiffs and Members of the Pennsylvania Class.

17 881. As outlined herein, there is tangible value in the Pennsylvania Plaintiffs'  
18 and Members of the Pennsylvania Class's personal information. The Pennsylvania  
19 Plaintiffs and Members of the Pennsylvania Class have lost the opportunity to receive  
20 value in exchange for their personal information.

21 882. Defendants' monetization of the Pennsylvania Plaintiffs' and Members of  
22 the Pennsylvania Class's personal information demonstrates that there is a market for  
23 their personal information.

24 883. The Pennsylvania Plaintiffs' and Members of the Pennsylvania Class's  
25 personal information is now in the possession of Defendants, who have used and will  
26 use it for their financial gain.

27 884. Defendants' retention of the Pennsylvania Plaintiffs' and Members of the  
28 Pennsylvania class's personal information presents a continuing risk to them as well as

1 the general public. The Pennsylvania Plaintiffs and Members of the Pennsylvania Class  
2 seek relief for the injuries they have suffered as a result of Defendants' unfair and  
3 unlawful acts and practices, as provided by Pa. Stat. Ann. tit. 73, § 201-1 *et seq.*, and  
4 applicable law, including all actual damages and attorneys' fees and costs, treble  
5 damages, statutory damages, and restitution, as well as an injunction requiring  
6 Defendants to each permanently delete, destroy or otherwise sequester the personal  
7 information collected without parental consent, requiring Defendants to provide a  
8 complete audit and accounting of the uses of the personal information by them and any  
9 other third parties, and other appropriate injunctive and/or declaratory relief.

## 10 **H. WASHINGTON CLAIMS**

### 11 **CLAIM 18 — WASHINGTON NEGLIGENCE**

12 **(Against All Defendants by Plaintiffs K.F. and J.W., minors, by and through their  
13 parents and guardians ad litem, and the Washington Class)**

14 885. Plaintiff K.F., a minor, by and through their parent and guardian ad litem,  
15 Angela Facuett, and Plaintiff J.W., a minor, by and through their parent and guardian ad  
16 litem, Kayla Jaramillo (the "Washington Plaintiffs") and Washington Class Members  
17 incorporate the foregoing allegations as if fully set forth herein.

18 886. At all relevant times, Defendants developed, set up, managed, maintained,  
19 operated, supervised, controlled, and benefited from Washington Plaintiffs' and  
20 Washington Class Members' use of TikTok.

21 887. Defendants owed Washington Plaintiffs and Washington Class Members a  
22 duty to exercise reasonable care in TikTok's development, setup, management,  
23 maintenance, operation, supervision, and control to protect its under-13 users' personal  
24 information.

25 888. Defendants also owed Washington Plaintiffs and Washington Class  
26 Members a duty under COPPA not to collect, use, or disclose under-13 users' personal  
27 information without notifying parents and obtaining verifiable parental consent.

28 889. Washington Plaintiffs and Washington Class Members are within the class

1 of persons that COPPA was intended to protect.

2 890. Defendants also owed a special relationship duty to Washington Plaintiffs  
3 and Washington Class Members to protect them against harm caused by TikTok.  
4 Washington Plaintiffs and Washington Class Members, as children, are comparatively  
5 vulnerable and depend on Defendants for a safe environment on TikTok, and Defendants  
6 have the superior ability and control over TikTok to provide that safety on its app. The  
7 special relationship Washington Plaintiffs and Washington Class Members have with  
8 Defendants substantially benefits Defendants through profits and growth in users and  
9 user activity. Defendants could not successfully operate without the increase in users and  
10 user activity generated by children.

11 891. Defendants created TikTok and directed its activity through advertisements  
12 to minor users, including users under 13 years old. This created a special duty to  
13 exercise reasonable care to protect the minors from foreseeable harm while the minors  
14 were on TikTok.

15 892. Defendants have voluntarily undertaken a responsibility to keep children  
16 safe on TikTok.

17 893. Defendants are responsible not only for the result of their willful acts, but  
18 also for injuries occasioned to Washington Plaintiffs and Washington Members by  
19 Defendants' want of ordinary care and/or skill in the management of their property.

20 894. Washington Plaintiffs and Washington Class Members were foreseeable  
21 users of TikTok.

22 895. Defendants operate a website or online service directed at children under  
23 the age of 13, as defined by COPPA.

24 896. Defendants had actual knowledge that children under the age of 13, such as  
25 Washington Plaintiffs and Washington Class Members, were using and would use Full  
26 Access Platform.

27 897. Defendants invited, solicited, and encouraged fact, extent, and manner of  
28 Washington Plaintiffs' and Washington Class Members' use of TikTok.



1 898. Defendants had actual knowledge that the use of TikTok (as developed, set  
2 up, managed, maintained, supervised, and operated by Defendants) would result in  
3 Defendants collecting and using Washington Plaintiffs' and Washington Class  
4 Members' personal information.

5 899. At all relevant times, Defendants had actual knowledge that TikTok (as  
6 developed, setup, managed, maintained, supervised, and operated by that Defendant)  
7 posed unreasonable risks of harm to youth such as Washington Plaintiffs and  
8 Washington Class Members through the collection, use, and/or disclosure of their  
9 personal information. Those risks were known and knowable, including in light of the  
10 multiple previous violations of minor children's privacy on TikTok in the last decade.

11 900. Defendants had actual knowledge that their under-13 users would attempt  
12 to create regular accounts instead of only trying to create Kids Mode accounts.

13 901. Defendants had actual knowledge that when under-13 users created regular  
14 accounts instead of Kids Mode accounts, their personal information would be treated  
15 without the adequate protections warranted for personal information of under-13 users  
16 online.

17 902. Defendants had actual knowledge that its "age gate" features were not  
18 reasonably adequate to protect the privacy of children's information on TikTok.

19 903. Due to Defendants' control over how youth set up accounts on TikTok,  
20 Defendants injured Washington Plaintiffs and Washington Class Members by violating  
21 their privacy.

22 904. Defendants had actual knowledge that it collected personal information as  
23 defined by COPPA from users under the age of 13.

24 905. Defendants could have avoided Washington Plaintiffs' and Washington  
25 Class Members' injuries with minimal cost, including, for example, by providing direct  
26 parental notice and requiring verifiable parental consent for its users.

27 906. Imposing a duty on Defendants would benefit the community at large.

28 907. Imposing a duty on Defendants would not be burdensome to them because

1 they have the technological and financial means to avoid the risks of harm to  
2 Washington Plaintiffs and Washington Class Members.

3 908. Defendants owed a heightened duty of care to youth users of TikTok  
4 because children have a diminished capacity to understand how companies collect and  
5 use their personal information and for what purpose. Additionally, Defendants owed a  
6 heightened duty of care to youth users of TikTok because it interacts directly with  
7 children out of the immediate oversight of their parents. Defendants were at all times the  
8 more sophisticated party and better positioned to understand children's privacy rights  
9 and their obligations to protect those rights adequately.

10 909. Defendants breached their duty of care that they owed Washington  
11 Plaintiffs and Washington Class Members through their affirmative malfeasance,  
12 actions, business decisions, and policies in TikTok's development, setup, management,  
13 maintenance, operation, supervision, and control. These breaches are based on  
14 Defendants' own actions in managing their own property—TikTok—that they made  
15 available to the public, independent of any actions taken by a third party. Those breaches  
16 include, but are not limited to:

- 17 a) Facilitating use of TikTok by youth under the age of 13, including by  
18 adopting protocols that do not ask for or verify the age or identity of users  
19 or by adopting ineffective age and identity verification protocols,  
20 b) Knowingly collecting personal information from youth under the age of  
21 13 in knowing or reckless disregard of the fact that direct notice had not  
22 been provided to parents and verifiable consent had not been obtained  
23 from parents,  
24 c) Willfully ignoring that significant numbers of under-13 users were  
25 maintaining regular TikTok accounts in violation of TikTok's policies and  
26 the 2019 Consent Decree, and  
27 d) d. Instructing employees not to take action to disable regular TikTok  
28 accounts for users whom employees reasonably believed were under 13

1 years old.

2 910. Defendants have breached their duty of care that they owed to Washington  
3 Plaintiffs and Washington Class Members through their non-feasance, failure to act, and  
4 omissions in the development, setup, management, maintenance, operation, supervision,  
5 and control of TikTok. These breaches are based on the Defendants' actions in managing  
6 their property—TikTok—that they made available to the public, independent of any  
7 actions taken by a third party. Those breaches include:

- 8 a) Failing to implement effective protocols to block users under the age of  
9 13,  
10 b) Failing to implement effective protocols to prevent the collecting,  
11 sharing, and selling of the personal information of users under the age of  
12 13 without prior affirmative authorization, and  
13 c) Failing to implement effective parental controls.

14 911. These breaches also violate COPPA since Defendants collect, use, and  
15 disclose under-13 users' personal information without notifying parents and obtaining  
16 verifiable parental consent.

17 912. Defendants' violation of COPPA constitutes negligence per se.

18 913. A reasonable company under the same or similar circumstances as  
19 Defendants would have developed, set up, managed, maintained, supervised, and  
20 operated its platforms in a manner that is safer for and more protective of youth users  
21 like Washington Plaintiffs.

22 914. At all relevant times, Washington Plaintiffs and Washington Class  
23 Members used TikTok in the manner it was intended to be used.

24 915. As a direct and proximate result of Defendants' breach of one or more of its  
25 duties, Washington Plaintiffs and Washington Class Members were harmed by  
26 Defendants' violation of Washington Plaintiffs' and Washington Class Members'  
27 privacy and the loss of control over when, how, and for what purpose their personal  
28 information is collected, used, and disclosed.

1 916. The harm to the Washington Plaintiffs and Washington Class Members is  
2 the type of harm that COPPA was intended to prevent.

3 917. The Washington Plaintiffs and Washington Class Members do not allege  
4 any harm or injury constituting a personal injury or emotional distress and do not seek  
5 damages based on those types of injuries.

6 918. Defendants' breach of one or more of their duties was a substantial factor in  
7 causing harms and injuries to Washington Plaintiffs and Washington Class Members.

8 919. But for Defendants' violation of the applicable laws and regulations related  
9 to COPPA, Washington Plaintiffs' and Washington Class Members' personal  
10 information would not have been used, collected, or disclosed to third parties.

11 920. As a direct and proximate result of Defendants' negligence per se,  
12 Washington Plaintiffs and Washington Class Members have been injured and are  
13 entitled to damages in an amount to be proven at trial.

14 921. Washington Plaintiffs demand judgment against Defendants for injunctive  
15 relief and for compensatory, treble, and punitive damages, together with interest, costs of  
16 suit, attorneys' fees, and all such other relief as the Court deems proper.

17 **CLAIM 19 — WASHINGTON CONSUMER PROTECTION ACT,**  
18 **WASH. REV. CODE. § 19.86.010, *ET SEQ***  
19 **(Against All Defendants by Plaintiffs K.F. and J.W., minors, by and through their**  
20 **parents and guardians ad litem, and the Washington Class)**

21 922. The Washington Plaintiffs re-allege and incorporate by reference herein all  
22 of the allegations contained above.

23 923. The Washington Plaintiffs, the Washington Class Members, and TikTok are  
24 "persons" within the meaning of Wash. Rev. Code § 19.86.010(2).

25 924. TikTok committed the acts complained of herein in the course of "trade" or  
26 "commerce" within the meaning of Wash. Rev. Code § 19.96.010.

27 925. TikTok engaged in consumer-oriented conduct by offering and promoting  
28 its TikTok social media platform.

926. Washington's Consumer Protection Act, Wash. Rev. Code § 19.86.010 et

1 seq. (“CPA”) prohibits “unfair methods of competition and unfair or deceptive acts or  
2 practices in the conduct of any trade or commerce.” Wash. Rev. Code § 19.86.020.

3 927. The Washington CPA instructs that, in construing the Washington CPA, the  
4 courts will be “guided by final decisions of the federal courts and final orders of the  
5 federal trade commission interpreting the various federal statutes dealing with the same  
6 or similar matters.” Wash. Rev. Code § 19.86.920.

7 928. TikTok violated the Washington CPA by engaging in the “unlawful”  
8 business acts and practices alleged previously, and as further specified below.

9 929. TikTok engaged in “unfair” business acts and/or practices by violating  
10 COPPA and the COPPA Rule.

11 930. As outlined herein, TikTok represented that TikTok Kids Mode was  
12 designed for children under 13 years old by representing to children who identified  
13 themselves as being under 13 years old that the child is “about to access a TikTok  
14 experience designed just for you.” In Kids Mode, a user can view videos, but cannot  
15 upload videos, post information publicly, or message other users.

16 931. Kids Mode is not designed to be legally appropriate for children under 13  
17 years old. In fact, TikTok Kids Mode violates COPPA and the privacy rights of children  
18 under 13 years old, including by collecting and using their personal information without  
19 providing direct notice to their parents or obtaining parental consent.

20 932. TikTok violated Sections 312.3, 312.4, and 312.5 of COPPA, 16 C.F.R. §§  
21 312.3-5, by collecting and using personal information from Washington Plaintiffs’ and  
22 Washington Class Members without notifying their parents and obtaining verifiable  
23 parental consent.

24 933. TikTok’s business practices alleged herein are unethical, unscrupulous, and  
25 substantially injurious to children, and thus constitute an unfair practice under the  
26 Washington CPA. The harm these practices caused to Washington Plaintiffs’ and  
27 Washington Class Members outweigh their utility, if any.

28 934. As a direct and proximate result of TikTok’s unfair business acts and

1 practices, Washington Plaintiffs’ and Washington Class Members were injured and lost  
2 money or property.

3 935. First, as a direct and proximate result of TikTok’s unfair business acts and  
4 practices, Washington Plaintiffs’ and Washington Class Members suffered “benefit-of-  
5 the-bargain” injuries and damages. Washington Plaintiffs’ and Washington Class  
6 Members did not receive the full benefit of the bargain, and instead received services  
7 from TikTok that were less valuable than the services they would have received if  
8 TikTok had abided by COPPA.

9 936. Washington Plaintiffs’ and Washington Class Members, therefore, were  
10 damaged in an amount at least equal to the difference in value of the TikTok service that  
11 Washington Plaintiffs’ and Washington Class Members received (where TikTok  
12 collected and used children’s personal information without notifying parents or gaining  
13 their parents’ consent) and the value of the TikTok service that Washington Plaintiffs’  
14 and Washington Class Members would have received if TikTok had abided by COPPA  
15 (and not collected and used children’s personal information without notifying parents or  
16 gaining their parents’ consent).

17 937. Second, as a direct and proximate result of TikTok’s unlawful and unfair  
18 business acts and practices, Washington Plaintiffs’ and Washington Class Members  
19 suffered “right to exclude” injuries and damages.

20 938. Washington Plaintiffs’ and Washington Class Members have a property  
21 interest in the personal information collected by TikTok. Washington Plaintiffs’ and  
22 Washington Class Members suffered an economic injury because they were deprived of  
23 their right to exclude TikTok from their personal information.

24 939. Washington Plaintiffs’ and Washington Class Members’ damages may also  
25 be measured by the amount of monetary compensation that TikTok would have to  
26 provide to parents to gain their consent to collect and use their children’s personal  
27 information.

28 940. Washington Plaintiffs’ and Washington Class Members seek restitution for

monies wrongfully obtained, disgorgement of ill-gotten revenues and/or profits, injunctive relief, actual damages, treble damages, attorney's fees and other relief allowable under Wash. Rev. Code § 19.86.090.

#### **IX. PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs, individually and on behalf of themselves and the proposed Classes, respectfully request relief as follows:

- A. An order certifying this action as a class action, and certifying the Classes defined herein, designating Plaintiffs, as described above, as the representatives of the respective Classes defined herein, and appointing Plaintiffs' counsel as counsel for the Classes;
- B. An order declaring that Defendants' actions, as described above constitute: (i) breaches of the common law claims of intrusion upon seclusion and negligence set forth above; (ii) violations of the state consumer protection statutes set forth above; (iii) a violation of the right to privacy under the California Constitution, Article I, Section 1; and (iv) that Defendants were unjustly enriched as a result of their actions.
- C. A judgment awarding Plaintiffs and the Members of the Classes appropriate relief, including actual, compensatory, and/or statutory damages, and punitive damages (as permitted by law), in an amount to be determined at trial;
- D. A judgment awarding any and all equitable, injunctive, and declaratory relief as may be appropriate, including orders of disgorgement of Defendants' unlawful gains, and restitution;
- E. A judgment awarding injunctive relief as set forth above, non-restitutionary disgorgement of profits and unlawful gains, and such other equitable relief as the Court may deem proper;
- F. A judgment awarding all costs, including experts' fees, attorneys' fees, and the costs of prosecuting this action, and other relief as permitted by law;
- G. Pre-judgment and post-judgment interest, as permitted by law; and



1 H. Grant such other legal and equitable relief as the Court may deem appropriate.

2 **X. DEMAND FOR JURY TRIAL**

3 Plaintiffs demand a trial by jury for all issues so triable.

4  
5 Pursuant to Local Rule 5-4.3.4, by my signature below, I, Derek W. Loeser, attest  
6 that all other signatories concur in the filing's content and have authorized this filing.

7  
8 Dated: July 11, 2025

9  
10  
11 By: /s/ Derek W. Loeser  
12 Derek W. Loeser (*pro hac vice*)  
13 Cari Campen Laufenberg (*pro hac vice*)  
14 **KELLER ROHRBACK L.L.P.**  
15 1201 Third Avenue, Suite 3400  
16 Seattle, WA 98101  
Telephone: (206) 623-1900  
Facsimile: (206) 623-3384  
dloeser@kellerrohrback.com  
claufenberg@kellerrohrback.com

17 Christopher L. Springer (SBN 291180)  
18 **KELLER ROHRBACK L.L.P.**  
19 801 Garden Street, Suite 301  
20 Santa Barbara, CA 93101  
Telephone: (805) 456-1496  
cspringer@kellerrohrback.com

21 Eric Kafka (*pro hac vice*)  
22 **COHEN MILSTEIN SELLERS & TOLL**  
23 **PLLC**  
24 88 Pine Street, 14th Floor  
25 New York, NY 10005  
Telephone: (212) 838-7797  
Facsimile: (212) 838-7745  
ekafka@cohenmilstein.com

26 Karina Puttieva (SBN 317702)  
27 Jenna Waldman (SBN 341491)  
28 **COHEN MILSTEIN SELLERS & TOLL**  
**PLLC**

1 1100 New York Ave. NW, Suite 800  
2 Washington, DC 20005  
3 Telephone: (202) 408-4600  
4 Facsimile: (202) 408-4699  
5 kputtieva@cohenmilstein.com  
6 jwaldman@cohenmilstein.com

7 Steven L. Bloch (*pro hac vice*)  
8 David S. Golub (*pro hac vice*)  
9 Ian W. Sloss (*pro hac vice*)  
10 Jennifer Sclar (*pro hac vice*)  
11 John Seredynski, (*pro hac vice*)  
12 **SILVER GOLUB & TEITELL LLP**  
13 One Landmark Square, 15th Floor  
14 Stamford, Connecticut 06901  
15 Telephone: (203) 325-4491  
16 sbloch@sgtlaw.com  
17 dgolub@sgtlaw.com  
18 isloss@sgtlaw.com  
19 jsclar@sgtlaw.com  
20 jseredynski@sgtlaw.com  
21  
22  
23  
24  
25  
26  
27  
28