

AMENDED Exhibit 400

PLAINTIFFS' OMNIBUS OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

Case No.: 4:22-md-03047-YGR

MDL No. 3047

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION,

Plaintiffs,

v.

THIS DOCUMENT RELATES TO ALL
ACTIONS,

Defendants.

Case No. 4:22-md-03047-YGR

MDL No. 3047

**THE TIKTOK DEFENDANTS’
OBJECTIONS AND RESPONSES TO
PLAINTIFFS’ THIRD SET OF
INTERROGATORIES**

PROPOUNDING PARTY: MDL Personal Injury and Local Government Plaintiffs

RESPONDING PARTIES: TikTok, Ltd.; TikTok, LLC; TikTok, Inc.; ByteDance Ltd.; and ByteDance Inc.

SET: THREE

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendants TikTok Inc., ByteDance Inc., TikTok Ltd., ByteDance Ltd., and TikTok LLC (collectively “the TikTok Defendants”) submit their objections and responses to Plaintiffs’ Interrogatories (Set 3).

CASE NO. 4:22-MD-03047-YGR
THE TIKTOK DEFENDANTS’ OBJECTIONS AND RESPONSES TO PLAINTIFFS’ THIRD SET OF
INTERROGATORIES

1 **RFA No. 3:** Admit that on Douyin, You used Your AI Age Model(s) to help deliver screen
 2 time “interventions” to Children or Teens (as the term “interventions” is used in
 3 TIKTOK3047MDL-004-00151118 at 1123).

4 As advised in the TikTok Defendants’ September 17, 2024 correspondence regarding
 5 Request for Admissions Set One, to the extent Plaintiffs demand a response to this request, the
 6 TikTok Defendants admit that the document TIKTOK3047MDL-004-00151118 at 1123 referenced
 7 in the request uses the word “interventions” and that the document speaks for itself.

8 **RFA No. 4:** Admit that You never required Age Verification for Users to join the TikTok
 9 Platform.

10 Since February 2019, the TikTok Defendants have neutrally designed (i.e., no indication of
 11 the minimum age requirement to prospective users at the point of sign up) and used an industry-
 12 standard age gate that requires potential users to fill in their complete birthdate when signing up for
 13 the TikTok Platform. *Age Appropriate Experiences, Age assurance*, available at
 14 <https://www.tiktok.com/legal/page/global/age-appropriate-experiences/en>; “Age Gate Status,”
 15 2023-06-29 (TIKTOK3047MDL-004). *Id.* If a potential user enters a birthday that reflects that
 16 they are under 13, they are instead directed to the TikTok Under 13 Experience, which is a curated,
 17 view-only experience developed in partnership with Common Sense Networks. *TikTok Under 13*
 18 *Experience*, available at [https://support.tiktok.com/en/safety-hc/account-and-user-safety/tiktok-](https://support.tiktok.com/en/safety-hc/account-and-user-safety/tiktok-under-13-experience)
 19 *under-13-experience*. As stated in the TikTok Defendants’ prior response to RFA No. 4, Plaintiffs’
 20 stated definition of “Age Verification” is vague and ambiguous, and fails to describe with
 21 reasonable particularity what, if any, additional information Plaintiffs are seeking here.

22 **RFA No. 5:** Admit that You never required Teen Users to provide proof of parental consent
 23 before signing up for, or using the TikTok U.S. Platform.

24 The TikTok Defendants previously admitted that users between 13 and 17 years of age are
 25 not required to provide documentation of parental consent specifically in order to sign up for the
 26 TikTok Platform during the relevant time period (January 1, 2016, through April 1, 2024).

1 However, the Terms of Service for the TikTok Platform expressly disallow access to the TikTok
 2 Platform if a minor user is not authorized to use the services by their parent or guardian. *Terms of*
 3 *Service, 1. Your Relationship with Us*, available at [https://www.tiktok.com/legal/page/us/terms-of-](https://www.tiktok.com/legal/page/us/terms-of-service/en)
 4 [service/en](https://www.tiktok.com/legal/page/us/terms-of-service/en) (“If you are under age 18, you may only use the Services with the consent of your parent
 5 or legal guardian. Please be sure your parent or legal guardian has reviewed and discussed these
 6 Terms with you.”); *Id.*, *5. Your Access to and Use of Our Services* (“You may not access or use the
 7 Services if you are not fully able and legally competent to agree to these Terms or are authorized
 8 to use the Services by your parent or legal guardian.”). Moreover, with Family Pairing enabled,
 9 parents and guardians can link their TikTok accounts to their teens’ accounts to set various controls
 10 on their activity. *See infra* Response re: RFA No. 7. Depending on their state of residence, parents
 11 are also able to exercise certain rights over their child or teen’s account, including deleting it or
 12 downloading the account data. *Privacy Policy, Children and Teens*, available at
 13 <https://www.tiktok.com/legal/page/us/privacy-policy/en>.

14 **RFA No. 6:** Admit that You have Taken No Action to stop Children or Teens from
 15 Bypassing Parental Controls or Bypassing Underage Account Removal on the TikTok U.S.
 16 Platform.

17 Regarding parental controls, whenever a teen discontinues the tethering of Family Pairing,
 18 the parent receives a push notification, inbox notification, and a popup in their account to alert them
 19 to this. The settings implemented by the parent on the teen’s account are also locked in place for
 20 48 hours. *See Safety on TikTok, What is Family Pairing?, Linked account activity*, available at
 21 <https://support.tiktok.com/en/safety-hc/account-and-user-safety/user-safety#9>. With respect to
 22 underage accounts, the TikTok application has a 12+ rating in the Apple App Store and is listed as
 23 “Parental Guidance Recommended” in Google Play. Therefore, a parent or guardian can prevent
 24 access altogether using the parental controls available through these stores or platforms. If a
 25 potential user tries to create an account but does not meet the minimum age requirement (13+), the
 26 TikTok Platform also suspends the potential user’s ability to attempt to create another account using

1 a different date of birth on the same device for 24 hours. *Age appropriate experiences, Age*
 2 *assurance*, available at <https://www.tiktok.com/legal/page/global/age-appropriate-experiences/en>.
 3 As to existing accounts, the TikTok Defendants train the safety moderation team to be alert to signs
 4 of a potential underage account. *Id.* The TikTok Platform also specifically asks all users in the
 5 community, including but not limited to parents and guardians, to report any account suspected to
 6 belong to someone under 13 or that is not in the age-appropriate mode via an online reporting form.
 7 *Report an underage account on TikTok*, available at [https://support.tiktok.com/en/safety-hc/report-](https://support.tiktok.com/en/safety-hc/report-a-problem/report-underage-accounts-on-tiktok)
 8 *a-problem/report-underage-accounts-on-tiktok*. Specifically, between January and March 2024,
 9 21,639,414 suspected underage accounts were removed from the TikTok Platform. *Community*
 10 *Guidelines Enforcement Report, Safety. Total removals and restorations, by content type*, available
 11 at [https://www.tiktok.com/transparency/en/community-guidelines-enforcement-2024-](https://www.tiktok.com/transparency/en/community-guidelines-enforcement-2024-1?tc_version=2024)
 12 *1?tc_version=2024*.

13 **RFA No. 7:** Admit that the TikTok U.S. Platform, including Family Pairing mode, does not
 14 allow parents to engage in Real Time Monitoring or Oversight of Content that their Child or Teen
 15 is seeing or Dynamically Set Screen Time Limits for their Child or Teen.

16 While the TikTok Platform does not currently allow parents and guardians to
 17 *contemporaneously* view account activity, it does offer various monitoring and oversight features
 18 for parents to use in connection with their teens' accounts through Family Pairing. For example,
 19 Family Pairing allows parents to set daily screen time limits, see summaries of their teens' time
 20 spent on the TikTok Platform, mute push notifications, filter keywords, enable Restricted Mode,
 21 get notifications about their account activity, customize search capabilities, decide whether their
 22 teens' accounts will be public or private, determine whether these accounts can be recommended
 23 to others, restrict who can send messages to their teens or turn off direct messaging entirely, and
 24 decide who can view or comment on their teens' liked videos. *Safety at TikTok, Family Pairing*,
 25 available at <https://support.tiktok.com/en/safety-hc/account-and-user-safety/user-safety#7>.
 26 Parents also have access to a screen time dashboard that allows them to see their child's or teen's

PROOF OF SERVICE

I, the undersigned, declare: I am employed in the County of Fulton, State of Georgia. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1180 Peachtree Street NE, Suite 1600, Atlanta, Georgia 30309.

On **October 7, 2024**, I served a copy of the within document(s):

THE TIKTOK DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFFS' THIRD SET OF INTERROGATORIES.

XX BY ELECTRONIC SERVICE VIA EMAIL: by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **October 7, 2024**, at Atlanta, Georgia.

/s/ Rania Kajan
Rania Kajan