

AMENDED Exhibit 444

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

IN RE: SOCIAL MEDIA ADOLESCENT Case No.
ADDICTION/PERSONAL INJURY 4:22-MD-03047-YGR
PRODUCTS LIABILITY LITIGATION MDL No. 3047

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
UNLIMITED JURISDICTION

Coordination Proceeding Judicial Council
Special Title(Rule 3.550) Coordination Proceeding
SOCIAL MEDIA CASES No. 5255

This Document Relates to:
ALL ACTIONS

----- VOLUME I
CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER
VIDEO-RECORDED DEPOSITION OF ERIC EBENSTEIN
Tuesday, March 11, 2025
10:08 AM EST

Reported by: Denise Dobner Vickery, CRR, RMR
JOB NO.: 7101211

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1 Exhibit 1.)

2 DOCUMENT TECH: Exhibit 1.

3 BY MS. YEATES:

4 Q. Can you see that, Mr. Ebenstein?

5 A. Not really. It's -- that's a
6 little bit better. Thank you.

7 Q. I'll represent to you that I
8 downloaded this from your LinkedIn page.

9 Can you confirm that this is your
10 LinkedIn profile?

11 A. That looks right, yes.

12 Q. Okay. And at the bottom of your
13 profile, it states that you attended Cardozo
14 School of Law and obtained a JD; is that
15 correct?

16 A. Yes.

17 Q. Have you ever practiced law?

18 A. No.

19 Q. If you look at the top of your
20 profile, you're currently employed by TikTok; is
21 that right?

22 A. Yes.

23 Q. And you began working at TikTok
24 six years ago in February 2019; is that correct?

25 A. Yes.

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1 Q. And the first person -- excuse me.
2 The first position that you held
3 at TikTok was director of public policy; is that
4 right?

5 A. Yes.

6 Q. And who did you report to in that
7 position?

8 A. [REDACTED].

9 Q. In September 2022, you became the
10 senior director of public policy; is that
11 correct?

12 A. I can't remember the exact date,
13 but that that sounds accurate, yes.

14 Q. Was that a promotion?

15 A. Yes.

16 Q. Is that your current position at
17 TikTok, senior director of public policy?

18 A. Yes, it is.

19 Q. Who do you report to in this
20 position?

21 A. Michael Beckerman.

22 Q. And what is his title?

23 A. Vice president public policy, I
24 think, of the Americas maybe.

25 Q. And who does Mr. Beckerman report

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1 to?

2 A. Shou Chew.

3 Q. And what is his title?

4 A. CEO TikTok.

5 Q. If you look towards the bottom of
6 your LinkedIn profile, there's a section titled
7 Volunteering.

8 Do you see that?

9 A. I do.

10 Q. Shows that you're a member of the
11 board of directors of the Family Online Safety
12 Institute; is that correct?

13 A. Yes.

14 Q. And you had been a member of the
15 board of directors of that institute since
16 September 2021; is that right?

17 A. Yes.

18 Q. Is the Family Online Safety
19 Institute also referred to as FOSI?

20 A. Or FOSI, yes.

21 Q. And TikTok is a sponsor of FOSI;
22 correct?

23 A. Yes.

24 Q. And it pays an annual fee to FOSI
25 in order to be a sponsor; is that right?

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1 A. Yes.

2 Q. And how much is that fee?

3 A. To the best of my memory, the
4 annual sponsorship is around \$40,000.

5 Q. Does TikTok provide additional
6 funding to FOSI other than the annual \$40,000
7 contribution?

8 A. Over the years at different times,
9 we've sponsored either special projects or
10 events for additional money, yes.

11 Q. Since when has TikTok been a
12 sponsor of FOSI?

13 A. I don't remember exactly the date.
14 My guess is the time sounds like some late 2019,
15 maybe early 2020. I can't recall exactly.

16 Q. And during that time period,
17 what's the highest contribution that TikTok has
18 provided to FOSI in one year?

19 A. I don't recall.

20 MS. YEATES: Can we pull up
21 tab 131 and mark it as Exhibit 2, please.

22 (Document marked for
23 identification as TikTok-Ebenstein
24 Exhibit 2.)

25 DOCUMENT TECH: Exhibit 2.

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1 MS. YEATES: Yes. Thank you.

2 BY MS. YEATES:

3 Q. Mr. Ebenstein, do you recognize
4 this document?

5 A. Yes.

6 Q. Okay. And it was produced from
7 your custodial file.

8 Do you understand that?

9 A. Yes, I do.

10 Q. The metadata shows that this
11 document is dated March 22, 2023.

12 Does that sound right?

13 A. Yes.

14 Q. Okay. And the title is EE Cross
15 Panel Review; correct?

16 A. Yes.

17 Q. And what is EE Cross Panel Review?

18 A. EE are my initials. I think I
19 titled this myself. A cross panel review is
20 what's required at TikTok to be considered for a
21 promotion at higher levels.

22 Q. You drafted this document?

23 A. Yes.

24 Q. If you look at the section titled
25 Background, it starts with:

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1 "I've been a proud TikTok employee
2 for over four years, making me one of the most
3 tenured employees in the United States."

4 Right?

5 A. Correct.

6 Q. Okay. And then it goes on to say:

7 "I established, located and
8 staffed the initial DC office and started all of
9 our policy and political outreach."

10 Correct?

11 A. Yes.

12 Q. Okay. And then at the bottom of
13 that section you write:

14 "My external title has been
15 elevated from Director of Public Policy to
16 Senior Director of Public Policy to reflect my
17 senior role for external facing audiences."

18 Right?

19 A. Yes.

20 Q. And the next section is titled
21 Vision for the Region.

22 Do you see that?

23 A. Yes.

24 Q. Can you read the first four
25 sentences of that section into the record,

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1 please?

2 A. Sure.

3 "I lead the State and Local
4 Government Relations team inside of U.S. Public
5 Policy. I currently have two direct reports
6 with two more being hired. I am responsible for
7 all policy and lobbying work across the 50 U.S.
8 States and local jurisdictions. Additionally, I
9 am the lead lobbyist in states and am
10 responsible for hiring external teams of
11 lobbyists in 19 states, such as New York,
12 California, Texas, Florida and more to protect
13 our interests there."

14 Q. And the next sentence, please?

15 A. Sure.

16 "These lobbyists help us to
17 strategically identify, rank order and engage on
18 the thousands of state bills that are introduced
19 every state legislative session."

20 Q. And it's describing part of your
21 role at TikTok and your vision for the region;
22 right?

23 A. Yes.

24 Q. Okay. Let's turn to page 8 at
25 Bates 713442.

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1 The bottom of this page, there's a
2 section titled Strategize with Senior Leadership
3 on Policy Issues that Influence the
4 Organization.

5 Do you see that?

6 A. Yes.

7 Q. And can you read the first bullet?

8 A. Yes.

9 "I began this workstream by
10 helping to prepare Michael Beckerman for his
11 Senate testimony. I was chosen for this role
12 owing to my experience meeting with members of
13 Congress and their staff, and my deep
14 institutional knowledge of the company.

15 Q. And the second bullet.

16 A. It's cut off here, but the part I
17 can see.

18 "Because of my value in this role,
19 Michael chose me to be a key member of
20 additional executive team member prep sessions.
21 I was on a handful of staff to be in a small
22 group.

23 Q. Can we go to the next page.

24 A. "Setting to prepare V for the
25 Senate hearing in multiple final weeks of

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1 'murderboard' sessions."

2 Q. Who is V?

3 A. Former TikTok chief operating
4 officer.

5 Q. And what is his full name?

6 A. They/them goes by V last name
7 Pappas.

8 Q. And what is a murderboard?

9 A. A prep session.

10 Q. Murderboard refers to prep
11 sessions to prepare for testimony before
12 Congress; is that right?

13 A. In this case Congress. It can be
14 other -- other venues or types of preparation.

15 Q. Can you read the fourth and fifth
16 bullets, please.

17 A. Are those the one where you're
18 curser is?

19 Q. Yes.

20 A. Oh, those two. Sure.

21 "I was next tasked with preparing
22 Shou for his DC NGO meetings, where he briefed
23 our external partners on Project T and began
24 meeting with DC policy press.

25 "All of the above led to my most

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1 recent assignment, joining the Shou
2 'murderboard' sessions for his House hearing. I
3 played the role of both Democrat and Republican
4 Congressmen, asking difficult questions in a
5 hostile manner to prepare him for his
6 testimony."

7 Q. And Shou is referring to TikTok's
8 CEO Shou Chew; correct?

9 A. Yes.

10 Q. Which House hearing were you
11 preparing for Mr. Chew for this at this time?

12 A. The House Energy and Commerce
13 Committee hearing.

14 Q. And what was he testifying about?

15 A. They asked him a wide range of
16 questions pertaining to the company and his role
17 as CEO.

18 Q. And part of your role at TikTok
19 was to interface and prep high-level executives
20 for testimony, including Congressional
21 testimony; correct?

22 A. As assigned, it was a relatively
23 small portion of my responsibility, but when
24 asked to participate, I did.

25 Q. Who did you provide this EE Cross

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1 THE WITNESS: I can't see
2 that on where that is on my set of
3 documents. I'd be happy to look at it if
4 I can find it.

5 MS. YEATES: Can we go back to
6 that, please?

7 DOCUMENT TECH: Do you have
8 the time stamp by any chance?

9 MS. YEATES: 20:11.

10 BY MS. YEATES:

11 Q. And in this message, [REDACTED]
12 wrote to you:

13 "Had a great call with FOSI.
14 They're aligned with us using them as third
15 party spokespeople and will do what we want re a
16 press release."

17 And you sent her thumbs up in
18 response; correct?

19 MR. DRAKE: Object to form.

20 THE WITNESS: I see that,
21 yes.

22 BY MS. YEATES:

23 Q. Can we please go to the message
24 Bates ending 4722, on September 24, 2019 with a
25 19:21 time stamp.

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1 Can you read what you wrote to
2 [REDACTED] there?

3 A. Yes.

4 "Talked to the PTA people again.
5 They need a few months to plan good events, and
6 Safer Internet Day is kind of the huge
7 bellwether in the beginning of next year. That
8 makes sense. If we want, they'd deassociate
9 some of the regional how-to TikTok events and
10 have them be spaced out later in the year, but
11 they argue against it."

12 Q. And then you sent another message
13 right after that.

14 Can you read that message as well?

15 A. Sure. One second. Let me just
16 move you on mine.

17 "They'll also do whatever we want
18 going forward in the fall after we're all signed
19 off. They'll announce things publicly. Their
20 CEO will do press statements for us. They'll
21 co-brand Connect Safely's 'How to TikTok Guide.'
22 If we want them involved with a GLAAD project,
23 they'll do that."

24 Q. Okay. National PTA; correct?

25 A. Sorry. You broke up a little bit.

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1 Can you repeat?

2 Q. The "they" in this message is
3 National PTA; correct?

4 A. I believe so, yes.

5 MS. YEATES: Can we pull up
6 tab 1, please. Can you please mark this
7 as Exhibit 5.

8 (Document marked for
9 identification as TikTok-Ebenstein
10 Exhibit 5.)

11 DOCUMENT TECH: Exhibit 5.
12 Sounds good.

13 BY MS. YEATES:

14 Q. Do you recognize this document,
15 Mr. Ebenstein?

16 A. I don't recall this document, no.

17 Q. You understand it was produced by
18 TikTok from your custodial files?

19 A. I do, yes.

20 Q. And you see that this is an e-mail
21 between you and [REDACTED] at National PTA;
22 correct?

23 A. Yes.

24 Q. And what is her position with
25 National PTA?

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1 agreement. I don't recall if I was the
2 signature party or if somebody else at the
3 company did, but the agreement looks right.

4 MS. YEATES: Can you please
5 pull up tab 3.1. Mark this as Exhibit 7.

6 (Document marked for
7 identification as TikTok-Ebenstein
8 Exhibit 7.)

9 DOCUMENT TECH: Ebenstein 7.

10 BY MS. YEATES:

11 Q. And, Mr. Ebenstein, at the bottom,
12 this document states sponsorship agreement
13 National PTA and ByteDance.

14 Do you see that?

15 A. I do.

16 Q. And do you recognize this as the
17 signature page for the sponsorship agreement in
18 2019?

19 A. I do, yes.

20 Q. And you executed this 2019
21 sponsorship agreement between ByteDance and
22 National PTA; correct?

23 A. Yes, correct.

24 Q. And you executed it on October 15,
25 2019; right?

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1 A. That's the date I see there, yes.

2 Q. Okay. Let's go back to the
3 agreement, please.

4 ByteDance is the parent company of
5 TikTok; is that right?

6 A. It's one of the entities.
7 ByteDance, Inc. I think was -- is the parent
8 company.

9 Q. And did you see that [REDACTED]
10 executed the agreement on behalf of the National
11 PTA?

12 A. I did see that.

13 Q. Go down to Section 3. Payment.
14 It says "ByteDance agrees to pay a
15 total of \$175,000 to National PTA"; correct?

16 A. Yes.

17 Q. And that was the contribution that
18 ByteDance provided National PTA in 2019; right?

19 A. Yes.

20 Q. Were additional funds provided to
21 National PTA in 2019?

22 A. I don't recall.

23 Q. Can you pull up Schedule A at
24 Bates 78239.

25 And this Schedule A is titled

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1 Programmatic Scope of Work (October 2019 through
2 September 2020); correct?

3 A. Yes.

4 Q. And the second bullet under Fall.
5 "National PTA will provide grants
6 to the field made possible by ByteDance."

7 Correct?

8 A. Yes.

9 Q. And right above that in bullet 1,
10 the scope of work includes:

11 "National PTA and ByteDance will
12 have a planning meeting with a focus on
13 developing a work plan to meet the obligations
14 of the agreement, to include: discussion of
15 creating, reviewing, and/or co-branding TikTok
16 educational resources; grant process; and a
17 state PTA Reflections pilot."

18 Correct?

19 A. Yes.

20 Q. Will you look at Late Fall/Winter.

21 "National PTA and ByteDance will
22 collaborate to produce and provide resources to
23 grantees on how to be a TikTok content creator
24 for PTAs who opt-in to Safer Internet Day
25 experiences."

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1 Correct?

2 A. Yes.

3 Q. Let's take a look at Schedule B at
4 Bates 78241, and schedule B is titled
5 Promotional Scope of Work (October 2019 through
6 September 2020); right?

7 A. Yes.

8 Q. Under General at Section 1.1.
9 "Throughout the Term, PTA will
10 feature ByteDance on the 'sponsors and partners'
11 acknowledgement web page within the PTA website
12 and link back to ByteDance's designated web
13 page."

14 Right?

15 A. Yes.

16 Q. Go down to Section 2. PTA
17 Connected, please.

18 The last sentence of Section 2.2
19 states:

20 "No mention may be made of the
21 total financial investment ByteDance is making
22 to support this program."

23 Correct?

24 A. Yes, that's what it says.

25 MS. YEATES: Go to tab 5,

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1 please. Display it, please.

2 DOCUMENT TECH: Ebenstein 8.

3 (Document marked for
4 identification as TikTok-Ebenstein
5 Exhibit 8.)

6 BY MS. YEATES:

7 Q. Mr. Ebenstein, do you recognize
8 this document?

9 A. I need a second to take a look at
10 it, please.

11 Q. Sure.

12 A. (Reviews document.)
13 I don't recognize it, no.

14 Q. You understand it was produced
15 from your custodial file at TikTok; correct?

16 A. Yes.

17 Q. If we look at the top, this is an
18 e-mail from an [REDACTED] at TikTok to [REDACTED]
19 [REDACTED] at National PTA, cc'ing you and some
20 others at PTA and TikTok; correct?

21 A. Yes.

22 Q. Will you please go to the last
23 page of the document, which is the first e-mail
24 in the chain.

25 Yes, it starts at the bottom

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1 there. Thank you.

2 And this e-mail was written by
3 [REDACTED] at National PTA on April 13, 2020;
4 correct?

5 A. That's what it says there, yes.

6 Q. [REDACTED] says:

7 "Happy Monday! I feel like this
8 is going to be a huge week for PTA and TikTok."

9 Right?

10 A. Yes.

11 Q. And then she provides a working
12 list with bullets.

13 Do you see that?

14 A. I do.

15 Q. And the first bullet says:

16 "Is it still the plan to put up
17 the newsroom post tomorrow (Tuesday) on TikTok
18 announcing the COVID-19 relief commitments to
19 National PTA, both the \$2 million direct to PTA
20 and the matching donation?"

21 Is that right?

22 A. It says that, yes.

23 Q. And this indicates that TikTok
24 provided \$2 million directly to National PTA in
25 2020; is that correct?

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1 A. Yeah. During COVID, TikTok gave a
2 number of contributions unrestricted to
3 different partners. I was thrilled that PTA was
4 a recipient of \$2 million of those funds.

5 MS. YEATES: Can we go to tab
6 13, please.

7 DOCUMENT TECH: Ebenstein 9.
8 (Document marked for
9 identification as TikTok-Ebenstein
10 Exhibit 9.)

11 MS. YEATES: Thank you.

12 BY MS. YEATES:

13 Q. Mr. Ebenstein, do you recognize
14 this document?

15 A. I don't, no.

16 Q. You understand it was produced by
17 TikTok from your custodial file?

18 A. Yes, I do.

19 Q. And if you look at the top, this
20 is a June 10, 2020 e-mail from [REDACTED] at
21 National PTA to you; correct?

22 A. Yes, it is.

23 Q. I'd like to go to the last page,
24 which is the first e-mail in the chain.

25 This e-mail is from [REDACTED]

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1 at Narrative DC to [REDACTED] at National PTA
2 and others at PTA; correct?

3 A. That's what it says, yes.

4 Q. And it's dated June 10, 2020;
5 correct?

6 A. Yes.

7 Q. Who is [REDACTED]?

8 A. He is a staffer at a firm called
9 Narrative.

10 Q. And is Narrative a communications
11 firm that is hired by TikTok?

12 A. I don't know how to describe them,
13 but we have a relationship with them, yes.

14 Q. Is it a PR firm?

15 A. Again, I'm not sure how I would
16 describe them. I'm not -- I'm not in PR. I
17 don't know how that -- if that's how they
18 describe themselves as. I'm not sure.

19 Q. Does TikTok have -- strike that.
20 In 2020, did TikTok have a
21 contract with Narrative?

22 A. I don't recall. I wasn't the key
23 person in the relationship. So I'm not sure the
24 timing or specifics.

25 Q. Are you aware whether at some

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1 point TikTok had a contract with Narrative?

2 A. At some point we did, yes.

3 Q. And [REDACTED] writes to [REDACTED]

4 [REDACTED] at National PTA:

5 "Thank you again for your help in
6 promoting the IL PTA editorial last month
7 examining the value of TikTok's family pairing
8 feature and the app's over-rearching 'trust and
9 safety' priorities."

10 Right?

11 A. It says that, yes.

12 MR. DRAKE: Objection. I
13 think it was misread but...

14 MS. YEATES: Strike that.
15 I'll do it again. Thank you.

16 MR. DRAKE: Yeah.

17 BY MS. YEATES:

18 Q. On June 10, 2020 [REDACTED] at
19 National PTA and stated:

20 "Thank you again for your help in
21 promoting the IL PTA editorial last month
22 examining the value of TikTok's family pairing
23 feature and the app's overarching 'trust and
24 safety' priorities."

25 Correct?

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1 A. It says that, yes.

2 Q. Okay. And then [REDACTED]

3 continued:

4 "Michael Beckerman over at TikTok
5 found that to be of enormous value and has
6 encouraged my team to work on duplicating that
7 effort in some additional states."

8 Right?

9 A. It says that, yes.

10 Q. Go to THE e-mail above where

11 [REDACTED] responds to [REDACTED]

12 On June 10, 2020, [REDACTED] at
13 National PTA wrote to [REDACTED] at Narrative
14 DC.

15 Do you see that?

16 A. I see that, yes.

17 Q. And the subject is Question:
18 Further Engagement with State PTA Chapters
19 Regarding TikTok's Trust and Safety Features;
20 right?

21 A. I see that, yes.

22 Q. And in response to [REDACTED]
23 identifying additional states, [REDACTED]
24 writes:

25 "With some of the states you've

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1 Q. And Hill is Capitol Hill?

2 A. Yes.

3 Q. And then at the next message, can
4 you read your response to [REDACTED] please?

5 A. "Strong. [REDACTED] can find
6 out for you what their connections to the good
7 Senator are like."

8 Q. Who is the "good Senator" you're
9 referring to?

10 A. I don't recall.

11 MS. YEATES: Can you pull up
12 tab 29.1 and mark it as Exhibit 15,
13 please.

14 (Document marked for
15 identification as TikTok-Ebenstein
16 Exhibit 15.)

17 DOCUMENT TECH: Ebenstein 15.

18 BY MS. YEATES:

19 Q. And, Mr. Ebenstein, Exhibit 15 was
20 linked as an attachment to that Lark chat we
21 were just looking at in Exhibit 14.

22 Do you understand that?

23 A. If you say so, sure.

24 Q. Do you recognize this document?

25 A. I don't.

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1 Q. Do you understand that it was
2 produced as part of your custodial file and
3 attached to the Lark chat; correct?

4 A. If you say so, yes.

5 Q. And the title of this document is
6 2024-2025_TikTok_National PTA Sponsorship
7 Agreement_Draft; correct?

8 A. Yes.

9 Q. And it states:
10 "The Sponsorship Renewal Agreement
11 (this Agreement) is effective as of March 1,
12 2024 (the Effective Date) by and between TikTok
13 Inc. (Sponsor or TikTok) and National Congress
14 of Parents and Teachers (Organizer or National
15 PTA)."

16 Correct?

17 A. Correct.

18 Q. And if we go to Section 2 at Fee:
19 Invoice it states:

20 "Fee. As the only consideration
21 due to Organizer related to the Purpose, Sponsor
22 will pay Organizer a total amount equal to Three
23 Million dollars (the Fee)."

24 Correct?

25 A. Yes.

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1 Q. And so in 2024, TikTok was paying
2 National PTA \$3 million; correct?

3 MR. DRAKE: Object to form.

4 THE WITNESS: I have to look
5 to see what ultimately got executed, but
6 that sounds to be the right ballpark.

7 BY MS. YEATES:

8 Q. That's definitely more than TikTok
9 had paid to National PTA in previous years;
10 right?

11 MR. DRAKE: Object to form.

12 THE WITNESS: I don't recall
13 the numbers year-over-year.

14 BY MS. YEATES:

15 Q. Do you recall there being a
16 substantial increase in the amount that TikTok
17 paid to National PTA in the 2024 year?

18 MR. DRAKE: Object to form.

19 THE WITNESS: My recollection
20 is that the work that we were doing with
21 PTA was important, effective work, and a
22 higher sponsorship amount could mean more
23 of that type of work, which I was
24 supportive of.

25 BY MS. YEATES:

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1 Q. I'll move to strike that as
2 nonresponsive.

3 Do you recall in 2024 that TikTok
4 substantially increased its funding to National
5 PTA?

6 MR. DRAKE: Object to form.

7 THE WITNESS: I believe we
8 increased the amount we paid to National
9 PTA, yes.

10 BY MS. YEATES:

11 Q. Let's turn to Schedule A at Bates
12 624489, and this is titled Schedule A: Scope of
13 Work; correct?

14 A. Yes.

15 Q. And at 1.1 this notes that the PTA
16 website will link back to TikTok's website;
17 correct?

18 A. It says to "TikTok's designated
19 web page."

20 Q. Turn to Section 8 at 624493,
21 please.

22 This section is titled TikTok-PTA
23 Events; correct?

24 A. Yes.

25 Q. And under A, Community-Level/

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1 Campus Marquee Events, it states:

2 "National PTA will produce up to
3 five marquee community-level/campus events
4 exclusively with TikTok as official sponsor and
5 cohost, to be held in locations within the
6 contiguous United States selected by National
7 PTA with input from TikTok."

8 Correct?

9 A. Yes.

10 Q. Can we go to Section 9, please.

11 Section 9 is titled PR/Media and
12 PTA Storytelling; correct?

13 A. Yes.

14 Q. And the A under that section, it
15 states:

16 "Organizer will make a National
17 PTA spokesperson available to provide positive
18 but non-endorsing quotes or statements regarding
19 TikTok's sponsorship of PTA, regarding PTA
20 Connected and related activities/educational
21 themes tied to this scope."

22 Right?

23 A. Yes.

24 MS. YEATES: Okay. We can
25 take that down. Thank you.

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1 foundation.

2 THE WITNESS: I see that,
3 yes.

4 BY MS. YEATES:

5 Q. And is it your understanding that
6 TikTok provided funding to Common Sense Networks
7 as part of its partnership?

8 MR. DRAKE: Objection.
9 Foundation.

10 THE WITNESS: I see that
11 here, yes.

12 MS. YEATES: Can we go to tab
13 65, please. Which exhibit number is
14 this?

15 DOCUMENT TECH: I apologize.
16 Exhibit 22.

17 (Document marked for
18 identification as TikTok-Ebenstein
19 Exhibit 22.)

20 MS. YEATES: Thank you.

21 BY MS. YEATES:

22 Q. Mr. Ebenstein, do you recognize
23 this as a Lark chat between you and your TikTok
24 coworker [REDACTED]?

25 A. Yes, I see that.

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1 Q. Can you please go to the second
2 page at Bates 719762.

3 And at the top of the page, on
4 May 16, 2023, you sent [REDACTED] a list with a
5 title CSN Proposal for Teen Awareness Program.

6 Do you see that?

7 A. I do, yeah.

8 Q. And CSN refers to Common Sense
9 Networks; correct?

10 A. That's correct.

11 MS. YEATES: Can we pull up
12 tab 65.1, please.

13 DOCUMENT TECH: Ebenstein 23.

14 (Document marked for
15 identification as TikTok-Ebenstein
16 Exhibit 23.)

17 BY MS. YEATES:

18 Q. Mr. Ebenstein, Exhibit 23 was
19 produced as an attachment to the Lark chat
20 between you and [REDACTED] that we just viewed
21 Exhibit 22.

22 Do you understand that?

23 A. If you say so, yes.

24 Q. And this document is titled
25 TikTok Teen Education and Awareness Program and

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1 dated May 2023; correct?

2 A. Yes, that's accurate.

3 Q. Under Objective it states:

4 "TikTok and Common Sense Networks
5 (CSN) have shared interest in collaborating on
6 the well-being of TikTok's teen users. The
7 objective is to deliver an education and
8 awareness program designed to educate parents,
9 educators, teens, and the industry on TikTok's
10 teen experience and empower teens to take
11 ownership of their digital lives."

12 Correct?

13 A. That's what it says, yes.

14 Q. And TikTok worked with Common
15 Sense Networks to develop materials to be shared
16 with schools, parents and teens; right?

17 A. I'm sorry. Could you repeat that
18 question?

19 Q. TikTok worked with Common Sense
20 Networks to develop materials to be shared with
21 schools, parents and teens; correct?

22 A. I don't believe so, no.

23 Q. Under this objective, the
24 objective between TikTok and Common Sense
25 Networks is to deliver an education and

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1 awareness program to educate parents, educators,
2 and teens; correct?

3 MR. DRAKE: Object to form.

4 THE WITNESS: That's what the
5 line says, yes.

6 MS. YEATES: Can you pull up
7 tab 17, please.

8 DOCUMENT TECH: Ebenstein 24.

9 (Document marked for
10 identification as TikTok-Ebenstein
11 Exhibit 24.)

12 BY MS. YEATES:

13 Q. Mr. Ebenstein, do you recognize
14 this document?

15 A. Let me look through it.

16 (Reviews document.)

17 No, I don't.

18 Q. You understand that TikTok
19 produced this document as part of your custodial
20 file; correct?

21 A. If you say so, yes.

22 Q. And the metadata shows this
23 document is dated June 10, 2020.

24 Do you have any reason to dispute
25 that?

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1 A. If you say so, no.

2 Q. And the document is titled TikTok
3 Who We Are; right?

4 A. That's what it says at the top,
5 yes.

6 Q. Can you turn to the last page
7 Bates 34071. The bottom there's a section
8 titled Partnerships.

9 Do you see that?

10 A. Yes, I do.

11 Q. And there's a second bullet. This
12 states:

13 "TikTok has a partnership with the
14 Family Online Safety Institute (FOSI), an
15 international nonprofit organization dedicated
16 to making the online world safer for children
17 and their families. Through this partnership,
18 TikTok and FOSI have launched an interactive
19 tool where parents can download a guide for
20 TikTok Parental Controls."

21 Correct?

22 A. I see that there, yes.

23 Q. And FOSI is described as a
24 nonprofit organization; right?

25 A. I see that there, yes.

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1 Q. And this does not indicate that
2 TikTok provides funding to FOSI; correct?

3 A. It doesn't say anything one way or
4 the other about funding.

5 Q. In the next bullet:

6 "TikTok has a partnership with
7 ConnectSafely, a Silicon Valley,
8 California-based nonprofit organization
9 dedicated to educating users of connected
10 technology about safety, privacy and security.
11 We engaged ConnectSafely to draft and publish a
12 'Parent's Guide to TikTok' as well as to work
13 together on important issues and events such as
14 Safer Internet Day."

15 Correct?

16 A. That's what it says there, yes.

17 Q. And ConnectSafely is described as
18 a nonprofit organization; correct?

19 A. I see that there, yes.

20 Q. And this does not indicate that
21 TikTok was providing funding to ConnectSafely;
22 correct?

23 A. It doesn't say anything about
24 funding in that paragraph.

25 Q. The final bullet:

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1 Yes, what you said was -- what you
2 read was accurate.

3 Excuse me.

4 Q. And the second bullet under TikTok
5 Goals is:

6 "Make EduTok the go-to tool used
7 in K through 12 schools to support everyday
8 coursework (content creation)."

9 Correct?

10 A. That's what it says, yes.

11 MS. YEATES: Can you pull up
12 118.2, please.

13 DOCUMENT TECH: Ebenstein 27.

14 (Document marked for
15 identification as TikTok-Ebenstein
16 Exhibit 27.)

17 BY MS. YEATES:

18 Q. Mr. Ebenstein, Exhibit 27 is a
19 document that was attached to the Lark chat
20 between you and your colleagues at Exhibit 25.

21 Do you understand that?

22 A. If you say so, yes, I do.

23 Q. And the title of the document is
24 CLF - Curriculum Integration Program:
25 Partnership Strategies, with a date of April 28,

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1 2020; is that right?

2 A. I see that there, yes.

3 Q. Under Context, at the last
4 sentence it states:

5 "As a mobile app already popular
6 with high school and college students, TikTok is
7 uniquely well-positioned to be an urgently
8 needed solution for teachers and students across
9 the income spectrum, in a variety of school
10 contexts."

11 Correct?

12 A. That's what it says there, yes.

13 Q. Okay. And the next section under
14 Curriculum Integration Program Goals, the goals
15 include:

16 "Make TikTok a meaningful tool for
17 classroom educators during distance learning and
18 beyond.

19 "Create opportunities for teachers
20 to build curricular content on TikTok at scale.

21 "Inform the development of tools
22 and features that make TikTok an essential
23 platform for educators and learners."

24 Did I read that correctly?

25 A. Yes, you did.

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1 Q. Okay. And in the message above
2 that, [REDACTED] writes to you "This, but for
3 NDAs"; correct?

4 A. That's what it says, yes.

5 Q. And NDA refers to non-disclosure
6 agreements; correct?

7 A. Yes.

8 Q. TikTok had an NDA with National
9 PTA; correct?

10 A. I don't recall if we did or did
11 not.

12 MS. YEATES: Can you pull up
13 tab 135, please.

14 DOCUMENT TECH: Ebenstein 35.

15 (Document marked for
16 identification as TikTok-Ebenstein
17 Exhibit 35.)

18 BY MS. YEATES:

19 Q. Mr. Ebenstein, do you recognize
20 the document that's been marked as Exhibit 35?

21 A. I do not.

22 Q. You understand that TikTok
23 produced this e-mail from your custodial file;
24 correct?

25 A. If you say so, yes, I do.

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1 Q. Okay. And at the top of this
2 document, there's an e-mail from [REDACTED]
3 at National PTA on April 6, 2020 to you at your
4 TikTok e-mail address; correct?

5 A. That is correct.

6 Q. And the subject is NDA; is that
7 right?

8 A. I see that, yes.

9 Q. We can go to the first e-mail in
10 the chain at Bates 4317189.

11 At the very bottom, there's an
12 e-mail from you on April 3, 2020 to [REDACTED]
13 [REDACTED] at National PTA, and you say:

14 "Are we under an NDA with you all,
15 and if not, can we get one for you guys real
16 quick so you can look something over for us?
17 Who would the right person be to have their name
18 on the NDA?"

19 Right?

20 A. I see that written there, yes.

21 Q. And [REDACTED] from the National
22 PTA writes back to you that same day and says:

23 "Authorized signatory on NDA is
24 [REDACTED], CAE, Executive Director.

25 "Not 100% sure if we have separate

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1 NDA from agreement but our existing agreement
2 has extensive confidentiality clause that
3 essentially puts NDA in place by default."

4 Correct?

5 A. I do see that, yes.

6 MS. YEATES: Can we go back to
7 Exhibit 34, please.

8 Counsel, I would like to
9 request that TikTok and ByteDance produce
10 any NDAs they have with National PTA,
11 FOSI, Common Sense Networks and/or
12 ConnectSafely.

13 MR. DRAKE: What was it?

14 THE WITNESS: Sorry. Could
15 you repeat that?

16 BY MS. YEATES:

17 Q. Yeah. That was for Mr. Drake.

18 MR. DRAKE: Oh, I'm sorry. I
19 didn't realize I was getting a question.
20 Can you repeat it?

21 MS. YEATES: I'd like to
22 request that TikTok and ByteDance produce
23 any NDAs they have with National PTA,
24 FOSI, Common Sense Networks, and/or
25 ConnectSafely.

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1 notion that this is a real thing."

2 Is that what Mr. Beckerman wrote?

3 A. It is.

4 Q. And you respond:

5 "@Michael Beckerman yes. Jamie,
6 [REDACTED] and I are working on a letter that we'd ask
7 PTA to distribute with/for us."

8 Right?

9 A. Correct.

10 Q. And what was the emoji from
11 Mr. Beckerman in response?

12 A. I think that means fight on.

13 Q. Did you provide a letter from
14 National PTA to these school districts?

15 A. I don't recall.

16 MS. YEATES: Can you pull up
17 123.2, please.

18 DOCUMENT TECH: Ebenstein 39.

19 (Document marked for
20 identification as TikTok-Ebenstein
21 Exhibit 39.)

22 BY MS. YEATES:

23 Q. Do you recognize the document that
24 has been marked as Exhibit 39?

25 A. I do not.

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1 Q. You understand that this document
2 was produced by TikTok from your custodial file;
3 correct?

4 A. If that's what you say, yes, I do.

5 Q. And it was linked to the previous
6 exhibit as an attachment to the Lark chat that
7 we were just looking at?

8 A. If that's what you say.

9 Q. (Audio dysfunction).
10 Do you understand that?

11 A. Yes. Sorry. If that's what you
12 say, yes, I do.

13 Q. The document is titled PTA email:
14 monthly challenges; right?

15 A. Yes, with the challenges in
16 quotation marks.

17 Q. And it says:

18 "Dear PTA Leaders: Some of you
19 may be aware of various lists circulating of
20 offline team dares that are being suggested as
21 future TikTok challenges. Several PTAs have
22 reached out to National PTA and TikTok to flag
23 these lists, and we wanted to share message from
24 Eric Ebenstein and [REDACTED] who are PTA's
25 primary contacts at TikTok with these lists."

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1 Correct?

2 A. Only to add that, again, TikTok
3 challenges is in quotation marks but, again,
4 correct.

5 Q. And the message that the National
6 PTA is sharing from you and [REDACTED] at TikTok
7 is posted in the next paragraph; correct?

8 A. That's the next paragraph of the
9 text is here, yes.

10 Q. And can you read that, please?

11 A. Sure.

12 The first not highlighted
13 paragraph?

14 Q. Correct.

15 A. Sure.

16 "We are hearing of offline teen
17 dares being suggested as future 'TikTok
18 challenges' and want to be clear - dangerous
19 challenges and illegal behavior are not allowed
20 on our platform and will be removed. While we
21 do not currently see evidence of these supposed
22 'challenges' on our platform, our safety teams
23 have and will continue to work tirelessly to
24 enforce our Community Guidelines and remove
25 violative content, including content promoted --

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1 promoting 'devious licks.' We expect teens to
2 use common courtesy whether they are online or
3 offline."

4 Q. Next paragraph there is a link to
5 the TikTok Guide for Parents; correct?

6 A. Yes, I see that.

7 Q. And in the comment bubble at the
8 top of the document, it says:

9 "@Eric Ebenstein does this work
10 for you? I think you could take parts of it and
11 repurpose for Santa Clara if you plan to respond
12 directly."

13 Right?

14 A. I see that wording, yes.

15 Q. And you respond thumbs up?

16 A. Correct.

17 Q. Did you reach out to anyone at the
18 Santa Clara School District?

19 A. I don't recall.

20 Q. Let's go back to Exhibit 37,
21 please, Bates 3236096.

22 And Exhibit 37 is a Lark chat
23 between you and your colleagues that we talked
24 about earlier, Mr. Ebenstein, and on
25 September 30, 2021, Jamie Favazza sends a

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1 Exhibit 41.)

2 BY MS. YEATES:

3 Q. Mr. Ebenstein, do you recognize
4 the document that has been marked as Exhibit 41?

5 A. No, I do not.

6 Q. You understand that Exhibit 41 was
7 produced by TikTok from your custodial file;
8 correct?

9 A. If you say so, yes, I do.

10 Q. And the metadata with this
11 document shows it's dated October 5, 2021.

12 Do you have any reason to dispute
13 that?

14 A. If you say so, no, I do not.

15 Q. And the document is titled
16 Challenge Challenges; right?

17 A. I see that at the top, yes.

18 Q. And there's a sample quote at the
19 top from Senator Blumenthal that says:

20 "Despite TikTok's platitudes about
21 prevention, perilous challenges - now slapping
22 teachers - are still present. TikTok can
23 detect, delete & deter them."

24 Do you see that?

25 A. I see the sample quote attributed

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1 to a Twitter page, yes.

2 Q. And the next link is to an Ohio
3 News Time article titled South Carolina Teacher
4 Slaps As Part of a New TikTok Challenge.

5 Do you see that?

6 A. I see that link, yes.

7 Q. And the sample quote after that
8 link says:

9 "Dr. Sarah Levens, a UNC Charlotte
10 professor who studies psychology and social
11 media, warns parents about the many dangers of
12 social media."

13 Right?

14 A. That's what it says there, yes.

15 Q. And it continues:

16 "Dr. Levens said that because of
17 how new social media is, not enough research has
18 been done to show its impact on children in the
19 long run. But Levens said the research
20 available cries out for danger."

21 Correct?

22 A. That's the language on the text
23 box.

24 Q. And the next sentence says:

25 "'TikTok doesn't have parental

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1 controls, it doesn't have children's algorithms
2 and adults' algorithms,' Levens said."

3 Correct?

4 A. That's what it says there.

5 Q. And under Current Responses,
6 there's a reference to the PTA newsblast from
7 October 2 to 75,000 recipients.

8 Do you see that?

9 A. Yes, I do.

10 Q. And that's referring to a letter
11 that was sent out by National PTA with a message
12 from TikTok; right?

13 A. They describe it as a -- as a PTA
14 newsblast. I'm not sure if that's a letter or
15 an e-mail or something else.

16 Q. You recognize the statement below
17 as the statement that you provided to National
18 PTA that we saw in previous exhibits?

19 A. I don't recognize it and I don't
20 know who provided it. I don't think this was my
21 writing.

22 Q. We'll come back to that.

23 If we go to the next page, it
24 says -- it shows TikTok Tips for Parents;
25 correct?

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1 A. That's correct.

2 Q. And that's a document that TikTok
3 and National PTA created together; right?

4 A. Yes.

5 Q. And under that it says:

6 "Response to Come - October 4 -
7 Specific TikTok focused eblast from PTA
8 President [REDACTED] along with a template for
9 PTAs to send out to their 75,000
10 members/parents."

11 Right?

12 A. I see that there, yes.

13 Q. And "language will be taken from/
14 similar to this draft which, we shared with
15 them."

16 Correct?

17 A. Yes.

18 Q. Response to Follow says:

19 "Post October 4 PTA email - Will
20 share language and template to DOE contact for
21 inclusion on their 30,000 person listserv. Will
22 send to other advocates, friendly NGOs and key
23 contacts to share across their connections."

24 Correct?

25 A. Yeah, that's how it reads.

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1 Q. Suggested Additional Responses.

2 "Proactive outreach to 'Officer
3 Gomez,' Dr. Revens, Senator Blumenthal,
4 California school district that emailed Shou, DC
5 area school districts."

6 Correct?

7 A. That's what it says there, yes.

8 Q. I think that's a typo.

9 That's referring to Dr. Levens
10 earlier in the document; right?

11 A. Let me look.

12 Yeah, I imagine they're talking
13 about the same person.

14 Q. And then under Potential PR
15 Strategies, it says tweet or share -- sorry.
16 Strike that.

17 Under Potential PR Strategies, it
18 says:

19 "Tweet/share from official
20 accounts PTA letter and call to action, Eric Han
21 (interview with [REDACTED] and ConnectSafely?),
22 share/leak internal research on source of meme,
23 other external-facing communications."

24 Right?

25 A. That was read correctly.

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1 Q. And Eric Han works at TikTok;
2 correct?

3 A. No. He was a former employee.

4 Q. What was Eric Han's title when he
5 worked at TikTok?

6 A. I don't recall.

7 Q. Did you work with Mr. Han?

8 A. Some, yes, I did.

9 Q. Was Mr. Han a TikTok employee in
10 October 2021?

11 A. I believe so, yes.

12 Q. Before we go back to the first
13 page, can you read the message from TikTok on
14 teen safety that was sent out on the PTA
15 newsblast on October 2nd?

16 A. This last big paragraph here at
17 the bottom?

18 Q. Yes.

19 A. Sure.

20 "A message from TikTok: Teen
21 Safety:

22 "We are hearing of offline teen
23 dares being suggested as future 'TikTok
24 challenges' and want to be clear: dangerous
25 challenges and illegal behavior are not allowed

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1 on our platform and will be removed. While we
2 do not currently see evidence of these supposed
3 'challenges' on our platform, our safety teams
4 have and will continue to work tirelessly to
5 enforce our Community Guidelines and remove
6 violative content, including content promoting
7 'devious licks.' We expect teens to use common
8 courtesy whether they're offline -- sorry --
9 whether they're online or offline. TikTok is
10 committed to reaching parents and guardians by
11 supporting messages on the importance of ongoing
12 conversations with teens about being good
13 citizens online and offline, as we are doing
14 through our collaboration with National PTA. We
15 want to make you aware of the TikTok Guide for
16 Parents we created with National PTA, as it
17 contains critical information about the parental
18 controls available to families on TikTok as well
19 as digital safety information."

20 Q. Mr. Ebenstein, do you recall that
21 you and [REDACTED] had provided this statement
22 to National PTA?

23 A. I don't recall, no.

24 Q. Can we pull up Exhibit 39, please.
25 Mr. Ebenstein, we looked at

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1 Exhibit 39 earlier and in the first paragraph it
2 states that the National PTA wanted to share a
3 message from Eric Ebenstein and [REDACTED] with
4 state PTAs; correct?

5 A. I see that first paragraph, yes.

6 Q. And are the next two paragraphs
7 identical to the paragraph that you just read in
8 Exhibit 41 that was sent out with the PTA
9 newsblast on October 2nd?

10 A. I would need to see them side to
11 side to make sure that they were identical.

12 MS. YEATES: TJ, are you able
13 to do that?

14 DOCUMENT TECH: Side to side
15 with Exhibit 40?

16 MS. YEATES: 41.

17 DOCUMENT TECH: 41.

18 THE WITNESS: Is there a way
19 to make it a little -- yeah, thank you --
20 to make it a little bigger.

21 (Reviews document.)

22 Much of the substance is the
23 same. I mean, there's a quote in the
24 first page that I don't see in the body
25 of the second page, and I don't see who

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1 it's sent from the right side, if it's
2 attributed to me or sent from me, as the
3 document on the left side says.

4 BY MS. YEATES:

5 Q. On October 2nd, the PTA sent out a
6 newsblast with a message from TikTok teen safety
7 in Exhibit 41 that was drafted by you and
8 [REDACTED] at TikTok; correct?

9 A. I don't think I wrote this. I
10 can't see who it was sent from. So I'm not
11 sure, no.

12 Q. Do you think Exhibit 37 is
13 incorrect where it says that the National PTA is
14 sharing a message from Eric Ebenstein and [REDACTED]
15 [REDACTED]

16 MR. DRAKE: Object to form.

17 THE WITNESS: I don't know
18 who wrote this. So I can't determine the
19 veracity of it. I mean, the substantive
20 messaging is great, but I don't know who
21 it came from.

22 BY MS. YEATES:

23 Q. Were you aware that TikTok drafted
24 information for PTA to send out on TikTok teen
25 safety in a newsblast?

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1 A. I don't recall when this was. It
2 was, I think, quite some time ago. So I'm
3 not -- I don't remember it, no.

4 Q. Okay. And if we look at
5 Exhibit 39 that includes the information that
6 was sent out in Exhibit 41 in the eblast,
7 there's a comment to you @Eric Ebenstein "does
8 this work for you"; right?

9 MR. DRAKE: Objection. Asked
10 and answered.

11 THE WITNESS: I see the
12 comment that you're referring to. You've
13 read it accurately.

14 BY MS. YEATES:

15 Q. And you responded thumbs up;
16 right?

17 MR. DRAKE: Same objection.

18 THE WITNESS: That's correct.

19 BY MS. YEATES:

20 Q. Okay. Let's go back to
21 Exhibit 41.

22 The National PTA also sent out a
23 TikTok Tips for Parents that was drafted by
24 TikTok in connection with National PTA; correct?

25 A. I'm sorry. What are you referring

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1 of students from 8 to 17; correct?

2 A. I see that written here yes.

3 MS. YEATES: Can we go to tab
4 97, please.

5 DOCUMENT TECH: Ebenstein 47.

6 (Document marked for
7 identification as TikTok-Ebenstein
8 Exhibit 47.)

9 BY MS. YEATES:

10 Q. Mr. Ebenstein, do you recognize
11 Exhibit 47?

12 A. No, I don't.

13 Q. You understand that Exhibit 47 was
14 produced by TikTok from your custodial file?

15 A. If you say so, yes, I do.

16 Q. And this document is a Lark chat
17 between TikTok employees titled PTA/FOSI Working
18 Group; correct?

19 A. Yes, it is.

20 Q. We go to the bottom of 84464,
21 please.

22 There's a message from [REDACTED]
23 on February 26, 2020.

24 Do you see that?

25 A. Yes, I see that.

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1 Q. What is [REDACTED] title at
2 TikTok?

3 A. She no longer works at TikTok. I
4 don't recall her title.

5 Q. In 2020, she was a colleague of
6 yours at TikTok; is that right?

7 A. Yes, that's right.

8 Q. And on February 26, 2020, [REDACTED]
9 sends a message that says:

10 " [REDACTED] No other
11 companies or speakers. Only [REDACTED]. 2 parents
12 are facilitating student panel. Re other
13 companies or safety experts: This is something
14 that the National PTA battles with local PTA on.
15 National PTA said they are considering creating
16 a matrix/rubric for the local leader to use on
17 deciding whether or not someone is a speaker
18 that is relevant and a good fit."

19 Correct?

20 A. I see that here, yes.

21 Q. Can you scroll down to 84466,
22 please.

23 [REDACTED] is a colleague of
24 yours at TikTok; correct?

25 A. Not currently, no.

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1 Q. In 2020, was [REDACTED] a
2 colleague at TikTok?

3 A. I don't believe she was in 2022,
4 no.

5 Q. In 2020, was [REDACTED] a
6 colleague of yours at TikTok?

7 A. Yes, she was.

8 Q. And what was her title?

9 A. I don't recall.

10 Q. All right. Please scroll up to
11 the page before. There is a message from [REDACTED]
12 [REDACTED] on February 28, 2020 and she says "Good
13 looking crowd," and then shares a photo; right?

14 A. Yes, that's right.

15 Q. And this is a photo of a PTA
16 event; correct?

17 A. I don't know what this is a photo
18 of. I don't recall this at all.

19 Q. Can you read your response to the
20 photo?

21 A. Sure.

22 "Holy crap that's a lotta people."

23 Q. And then [REDACTED] writes on
24 February 28, 2020:

25 "It's packed. Unfortunately the

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1 news crews cancelled because there's some late
2 breaking news."

3 Right?

4 A. I see that, yes.

5 Q. And she sends another message
6 thereafter.

7 "I'm sort of glad the crews
8 cancelled. This student panel is primarily
9 under 13 and they're all talking about what they
10 post, why they post and how they know they're
11 not supposed to have an account."

12 Correct?

13 A. I see that message, yes.

14 Q. Can you read your response to that
15 message, please?

16 A. Sure. I say:

17 [REDACTED] what. How
18 is PTA letting that happen?"

19 Q. And after the "what" you have a
20 question mark and two exclamation points;
21 correct?

22 A. That's correct.

23 Q. And [REDACTED] responds:

24 "I don't know. But seriously
25 dodged a bullet. That would have been on CBS

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1 ABC and KCAL9."

2 Right?

3 A. I see that's written there, yes.

4 Q. And then she sends another message
5 right thereafter that says:

6 "They also showed some of their
7 videos on the monitor."

8 Correct?

9 A. I see that, yes.

10 Q. And then [REDACTED] writes on that
11 same day:

12 "@Eric Ebenstein unfortunately
13 they asked for questions from the crowd and a
14 parent asked 'how old were you when you started
15 using social media.' All of them said between
16 ages 8 through 12 and admitted to lying about
17 their birth date to get around it. One girl
18 said she's 20 on Instagram."

19 Is that right?

20 A. I see that message there.

21 Q. And that message was to you;
22 correct?

23 A. Correct.

24 Q. And then [REDACTED] responds at
25 [REDACTED]:

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1 "They were introduced with their
2 grades and showed their TikTok accounts as part
3 of the intro. It's learnings for the future."

4 Correct?

5 A. I see that message, yes.

6 Q. And what did you respond to that
7 message?

8 A. [REDACTED] we need a quick post
9 mortem on this one so I can talk to [REDACTED]."

10 Q. And you're referring to [REDACTED]
11 [REDACTED] at National PTA; correct?

12 A. Yes.

13 Q. And then further down on March 4,
14 2020, [REDACTED] sends another message.

15 "[REDACTED] I added you
16 to an email with [REDACTED], the [REDACTED] PTA
17 president. She needs China talking points to
18 share with concerned parents. Sharing
19 screenshot here for @Eric Ebenstein awareness."

20 Correct?

21 A. I see that, yes.

22 Q. And what was your response?

23 Can we go down to the next message
24 from Mr. Ebenstein, please.

25 A. Thank you.

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1 [REDACTED] let's be sure to
2 connect with her via phone rather than over
3 email. I'm sure [REDACTED] has what she needs, but
4 feel free to reach out if you want any
5 additional talkers."

6 MS. YEATES: Can we go to tab
7 92, please.

8 DOCUMENT TECH: Ebenstein 48.
9 (Document marked for
10 identification as TikTok-Ebenstein
11 Exhibit 48.)

12 BY MS. YEATES:

13 Q. Mr. Ebenstein, do you recognize
14 Exhibit 48?

15 A. No, I don't.
16 Excuse me one second.
17 Can you grab a bottle of water
18 from there? So I don't have to unplug?

19 Q. Would you like to take a break,
20 Mr. Ebenstein?

21 MR. DRAKE: Yeah, we've been
22 going about a little over an hour.

23 THE WITNESS: Sure. A break
24 would be great, if you don't mind. Thank
25 you.

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1 BY MS. YEATES:

2 Q. Mr. Ebenstein, do you recognize
3 Exhibit 51?

4 A. No, I don't.

5 Q. You understand that TikTok
6 produced Exhibit 51 from your custodial file;
7 correct?

8 A. If you say so, yes.

9 Q. And this is a Lark chat between
10 you and your colleague at TikTok, Eric Han;
11 correct?

12 A. Yes.

13 Q. And if we go to Bates 1081104,
14 there's a message to you from Eric Han on
15 June 17, 2029 at 18:38.

16 Do you see that?

17 A. Yes, I see that.

18 Q. And he writes:

19 "For sure. The kidtech is still
20 very early, though I'd like to understand what
21 our product roadmap is internally (if any) for
22 kids/minors. We have the under 13 version of
23 the app, though, anecdotally, we're still seeing
24 quite a few kids slipping through the cracks
25 (which makes sense, since an age-gate is easy to

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1 circumvent)."

2 Do you see that?

3 A. Yes, I see that.

4 Q. And then Mr. Han continues in his
5 message to you:

6 "They also push a product around
7 progressive permissions (for example, App is
8 unlocked after a verified parent grants access).
9 Sounds like something we can build internally,
10 though not sure what the appetite is."

11 Right?

12 A. I see that written there, yes.

13 Q. Then if we go farther down in the
14 chat at 1081108, there is a message from Eric
15 Han to you on September 3, 2019 at 20:01.

16 Do you see that?

17 A. Yes, I do.

18 Q. And Mr. Han writes to you:

19 "Hey Eric. Do you have a doc that
20 lists all our current partnerships relating to
21 safety issues? [REDACTED] myself, and [REDACTED]
22 (TikTok4Good) all have similar objectives
23 relating to owning our safety narrative (which
24 includes understanding what partnerships we
25 currently have). Any info you have on our

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1 current status will help us organize better and
2 reduce redundancies. Thanks."

3 Did I read that correctly?

4 A. Yes, you did.

5 Q. And what is your response?

6 A. I wrote:

7 "Hey. I don't but happy to send
8 you some of the ones I'm aware of so we can put
9 one together. Makes a lot of sense."

10 Q. Okay. Let's go to the next page,
11 please.

12 On September 4, 2019, you sent
13 Mr. Han another message listing TikTok's current
14 partnerships relating to safety issues; correct?

15 A. Sorry. Could you repeat that
16 again?

17 Q. Can we blow up the message on
18 September 4, 2019 at 8:53, please.

19 On September 4, 2019, you sent
20 Mr. Han a message providing him a list of
21 TikTok's current partnerships relating to safety
22 issues; correct?

23 A. Reading the message, it doesn't
24 look like these were current partners. We
25 hadn't -- I say here "We've yet to pay for any

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1 of these," but I think it's fair to say these
2 were the people I was in contact with at their
3 respective organizations.

4 Q. These are the people that you
5 agreed to provide to Mr. Han in response to his
6 question about current partnerships relating to
7 safety issues; right?

8 A. These are the people I sent to him
9 in response to his question about who I was
10 working at those organizations.

11 Q. Great. Can you read that message
12 for us?

13 A. Sure:

14 "NCMEC, [REDACTED]
15 [REDACTED] FOSI [REDACTED]
16 ConnectSafely [REDACTED], National PTA: [REDACTED]
17 [REDACTED]. We've yet to pay for any of these,
18 but they've been approved/are in the works so I
19 think they meet the requirements. Eventually, I
20 assume, the OA issues will get worked out. Let
21 me know if you need more/different."

22 Q. What was OA?

23 A. It was or is like TikTok's
24 internal payment system.

25 Q. Can we go down to the message that

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1 you sent to Mr. Han on September 19, 2019 at
2 18:30.

3 September 19, 2019 time-stamped
4 18:30, please.

5 It's Bates 1081110. The second
6 message at the top, please. Thank you.

7 Mr. Ebenstein, can you read the
8 message that you sent to Mr. Han on
9 September 19, 2019, please?

10 A. Sure.

11 "Quick background on [REDACTED] -- he's
12 based in Palo Alto and I had also already
13 connected him to [REDACTED]. Great minds and all
14 that... he's been through the LA office once
15 before with [REDACTED]. He witnessed some content
16 moderation (something I'm eager to experience as
17 well). Hoping he can connect with both of you
18 at separate times for in-depth understanding of
19 our business so that he can serve as a public
20 advocate for us in the face of all the criticism
21 we've been taking. His organization produces
22 those 'how-to' guides, and has made them for all
23 of our competition. Should be a good shield for
24 us going forward."

25 Q. And the [REDACTED] you're referring to

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1 there is [REDACTED] at ConnectSafely; correct?

2 A. Yes, that's correct.

3 Q. And Mr. Han gives you a thumbs up;
4 right?

5 A. Yes, he does.

6 MS. YEATES: Can we go to tab
7 87, please.

8 DOCUMENT TECH: Ebenstein 52.

9 (Document marked for
10 identification as TikTok-Ebenstein
11 Exhibit 52.)

12 BY MS. YEATES:

13 Q. Mr. Ebenstein, do you recognize
14 Exhibit 52?

15 A. I do not.

16 Q. Do you understand that Exhibit 52
17 was produced by TikTok from your custodial file;
18 right?

19 A. If you say so, yes.

20 Q. And this document is a Lark chat
21 between you and your colleague at TikTok, [REDACTED]
22 [REDACTED] correct?

23 A. Yes.

24 Q. Can we please go to the fourth
25 page at Bates 931571.

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1 BY MS. YEATES:

2 Q. Mr. Ebenstein, do you recognize
3 Exhibit 55?

4 A. No, I don't.

5 Q. You understand that TikTok
6 produced Exhibit 55 from your custodial file;
7 correct?

8 A. If you say so, yes.

9 Q. And Exhibit 55 was produced as an
10 attachment to Exhibit 54, which is a Lark chat
11 between you and [REDACTED] and [REDACTED]

12 Do you understand that?

13 A. If you say so, yes, I do.

14 Q. And this is the one-pager that
15 [REDACTED] was referring to when she
16 suggested it could be shared with a Hill
17 audience; correct?

18 A. If you say this is the attachment.
19 I don't know if she suggested or asked, but I
20 assume this is the one that you're talking about
21 that she's referring to.

22 Q. And the title of this document is
23 Keeping TikTok a safe and supportive place for
24 families and teens; right?

25 A. I see that language at the top,

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1 yes.

2 Q. The metadata states this document
3 date is May 26, 2021.

4 Do you have any reason to dispute
5 that?

6 A. If you say so, no, I do not.

7 Q. You look at the first section
8 Tools for families, this says:

9 "Family Pairing lets a parent or
10 guardian link their TikTok account to their
11 teen's - enabling them to manage a variety of
12 content and privacy settings."

13 Correct?

14 A. Yes, that's correct.

15 Q. This does not notify -- strike
16 that.

17 This does not include information
18 stating that a teen can unlink their account
19 from Family Pairing, does it?

20 MR. DRAKE: Object to form.

21 THE WITNESS: I don't see
22 anything in there about the language you
23 suggest, no.

24 BY MS. YEATES:

25 Q. This does not contain information

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1 stating that parents would not be notified by
2 TikTok if their child created multiple accounts;
3 correct?

4 MR. DRAKE: Object to form.

5 THE WITNESS: I don't see
6 anything in there with the language you
7 mentioned.

8 BY MS. YEATES:

9 Q. This does not notify parents or
10 the public that Family Pairing does not prevent
11 young users from creating multiple accounts;
12 correct?

13 A. I'm sorry. Can you repeat that
14 once more?

15 Q. This section does not notify
16 parents or the public that Family Pairing does
17 not prevent young users from creating multiple
18 accounts; correct?

19 A. There's nothing in there about
20 that, no.

21 Q. This does not notify parents or
22 the public that a child can unlink their account
23 from Family Pairing without the parents'
24 consent, does it?

25 A. I don't see anything in there --

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1 MR. DRAKE: Object.

2 THE WITNESS: Sorry.

3 I don't see anything in there
4 about that, no.

5 BY MS. YEATES:

6 Q. This does not tell parents or the
7 public that parents will not be notified by
8 e-mail or phone if their child unlinks their
9 TikTok account from their parent's Family
10 Pairing account; correct?

11 MR. DRAKE: Object to form.

12 THE WITNESS: I don't see any
13 language like that in there, no.

14 BY MS. YEATES:

15 Q. Nothing on this page tells parents
16 or the public that a parent would have to set
17 Family Pairing for every account their child had
18 on TikTok; correct?

19 A. First -- the paragraph -- the view
20 just shifted.

21 The first line says:

22 "Family Pairing lets a parent or
23 guardian link their TikTok account to their
24 teen's" individually.

25 So I think that could be taken a

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1 couple of different ways. Each account.

2 Q. Does this inform parents that even
3 if they use the Family Pairing feature to link
4 their children's account that their child could
5 create a new account that is not linked to the
6 parent's?

7 MR. DRAKE: Object to form.

8 THE WITNESS: No, nothing like
9 the language you're suggesting is in
10 there.

11 BY MS. YEATES:

12 Q. Does anything here inform parents
13 or the public that Family Pairing does not
14 prevent predators or groomers from contacting,
15 following or interacting with teens on TikTok?

16 A. There are a suite of separate
17 safety settings that handle those issues that
18 you're talking about.

19 Q. Family Pairing does not address
20 that concern, does it?

21 MR. DRAKE: Object to form.
22 Vague.

23 THE WITNESS: Family Pairing
24 does what it says in the -- in the
25 highlighted paragraph here. Linking

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1 their account for a variety of content
2 and privacy settings.

3 BY MS. YEATES:

4 Q. Let's look at the Privacy by
5 default section.

6 This section talks about different
7 privacy features that are associated with
8 different teenage age groups; correct?

9 MR. DRAKE: Object to form.

10 THE WITNESS: Yeah, this
11 shows some of the different safety
12 settings that teens age up through the
13 platform with.

14 BY MS. YEATES:

15 Q. This section does not inform
16 parents or the public that young users can
17 circumvent age-gating by lying about their age,
18 does it?

19 MR. DRAKE: Object to form.

20 THE WITNESS: This section is
21 about the various account safeguards
22 for -- for different aged teenagers on
23 the platform.

24 BY MS. YEATES:

25 Q. Does this include a disclosure

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1 that young users can circumvent age-gating by
2 lying about their age?

3 A. This section doesn't say anything
4 about lies.

5 Q. Does this disclose to parents and
6 the public that TikTok does not verify a user's
7 age?

8 A. TikTok has an industry standard
9 neutral age-gate to make sure that the right
10 aged teens are on the platform.

11 Q. Move to strike as nonresponsive.
12 Does this section disclose that
13 TikTok does not verify a user's age?

14 MR. DRAKE: Objection. Asked
15 and answered.

16 THE WITNESS: You need to be
17 13 to be on TikTok. The age-gate doesn't
18 ask you what your age needs to be. It
19 asks you to put in your birth date to try
20 to make sure you're put into the right
21 product.

22 BY MS. YEATES:

23 Q. Move to strike as nonresponsive.
24 Does TikTok verify a user's age
25 when an account is being created?

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1 A. If you say so, yes, I do.

2 Q. And this is a Microsoft Teams
3 meeting invitation to you -- to a variety of
4 people, cc'ing you on August 17, 2021.

5 Do you see that?

6 A. Yes, I see that.

7 Q. And you're cc'ed at your TikTok
8 e-mail address; right?

9 A. Yes, I see that.

10 MS. YEATES: Can we pull up
11 18.1, please. This is Exhibit 57.

12 DOCUMENT TECH: Ebenstein 57.
13 (Document marked for
14 identification as TikTok-Ebenstein
15 Exhibit 57.)

16 BY MS. YEATES:

17 Q. Mr. Ebenstein, do you understand
18 that Exhibit 57 is an attachment to the Teams
19 invitation that was sent to you as Exhibit 56?

20 A. If you say so, yes.

21 Q. Do you recognize this document?

22 A. I recognize the TikTok Guide for
23 Parents, yes.

24 Q. This is a guide that was a
25 collaboration between TikTok and National PTA;

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1 correct?

2 A. Yes, that's what that says.

3 Q. And National PTA distributed this
4 document to PTAs, schools, and parents; is that
5 right?

6 A. I believe that's what they did,
7 yes.

8 Q. And the goal of distributing this
9 document was for schools and parents to review
10 the information in this TikTok Guide for
11 Parents; correct?

12 A. Yeah. The goal was that if these
13 groups were going to use TikTok, that this was
14 information that would be useful to how they
15 could have a safe experience on the platform.

16 Q. If this document contained
17 potential harms to young people from TikTok use,
18 schools and parents would have seen that; right?

19 MR. DRAKE: Object to form.

20 Calls for speculation.

21 THE WITNESS: This document
22 was meant to have useful information on
23 how to use the platform under a variety
24 of different terms, not everything in the
25 entire world.

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1 BY MS. YEATES:

2 Q. Move to strike as nonresponsive.

3 Mr. Ebenstein, given that the
4 National PTA distributed this document to
5 schools and parents, if it had contained
6 potential harms to young people from TikTok use,
7 schools and parents would have seen that
8 information; correct?

9 MR. DRAKE: Objection. Calls
10 for speculation.

11 THE WITNESS: I don't know
12 what people who received this guide saw
13 or didn't see, other than what was
14 written in this guide.

15 BY MS. YEATES:

16 Q. If potential harms to young people
17 from TikTok use was written in this guide, then
18 schools and parents would have seen those harms;
19 correct?

20 MR. DRAKE: Objection. Calls
21 for speculation.

22 THE WITNESS: If -- all I can
23 say is that if something was written in
24 this guide, then people who read this
25 guide would have seen what was written in

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1 this guide.

2 BY MS. YEATES:

3 Q. Can we turn to 1196388?

4 MR. DRAKE: Are we ready for a
5 break now or are we still using this?

6 Oh, I'm sorry.

7 MS. YEATES: We're still on
8 this document.

9 MR. DRAKE: You were turning
10 to Bates numbers. I'm sorry.

11 MS. YEATES: No problem.

12 BY MS. YEATES:

13 Q. The second page of the TikTok
14 Guide for Parents has a Welcome section.

15 Do you see that?

16 A. Yes, I do.

17 Q. And under Welcome it says:

18 "Whether you are a parent,
19 guardian, or teacher, you are one of the most
20 important adults in a teen's life. We encourage
21 you to talk regularly with your teens about
22 their digital lives and how they can be
23 responsible and safe in all online activities.
24 We understand each family is different, which is
25 why we offer a range of tools and features to

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1 help you take an active role in your teen's
2 TikTok experience."

3 Did I read that correctly?

4 A. Yes, you did.

5 Q. Can we turn to the Connections
6 section at 1196392.

7 Under connections, the TikTok
8 Guide for Parents state:

9 "The full TikTok experience is for
10 people 13 and over, and along with an age-gate,
11 we've given the app a 12+ App Store rating so
12 that you can enable device-level restrictions on
13 your teen's phone."

14 Correct?

15 A. Yes, that's what's written there.

16 Q. The next paragraph says:

17 "In the U.S., we accommodate those
18 under the age of 13 in TikTok for Younger Users,
19 a view-only experience with curated content and
20 additional safety and privacy protections.
21 TikTok partners with Common Sense Networks to
22 help make sure content is both age-appropriate
23 and safe for an audience under 13."

24 Correct?

25 A. Yes, that's what's written there.

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1 Q. This does not disclose that under
2 13-year-old users can use the TikTok app if they
3 lie about their age; right?

4 A. There's nothing written in there
5 that reflects what you said.

6 Q. This does not disclose that
7 age-gating is easily circumvented; right?

8 MR. DRAKE: Object to form.

9 Assumes facts.

10 THE WITNESS: I'm not an
11 expert on age-gating, but nothing in this
12 page reflects what you said.

13 BY MS. YEATES:

14 Q. This does not disclose that TikTok
15 provides funding to Common Sense Networks;
16 correct?

17 A. Correct.

18 Q. And we looked earlier at the
19 partnership agreement where TikTok paid Common
20 Sense Networks a minimum of 5 million; right?

21 A. That's correct.

22 Q. And that is not disclosed in this
23 document?

24 A. I don't see that on the page, no.

25 Q. Can we turn to page 7 at Bates

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1 1196393.

2 This page is titled Private versus
3 Public Accounts.

4 Do you see that?

5 A. Yes, I do.

6 Q. The first sentence:

7 "By default, for those 13 to 15
8 years old, your account starts as private."

9 Correct?

10 A. Yes, that's what it says there.

11 Q. And nothing on this page discloses
12 that if a 13 to 15-year-old lied about their age
13 when forming their TikTok account that the
14 account would start as public by default, does
15 it?

16 A. I don't see language reflective of
17 what you said in there, no.

18 Q. And it describes a private account
19 as one that "while others on TikTok can search
20 for you, they must request and be approved as a
21 friend in order to contact or see your content";
22 is that right?

23 A. That's what it says there, yes.

24 Q. And a public account "means any
25 TikTok community member can view your videos and

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1 post comments or reactions to engage with
2 content you've created and shared"; right?

3 A. That's the way it's written there,
4 yes.

5 Q. Can we go to 13 at Bates 1196399.
6 Family Pairing was not available
7 for accounts that were created on mobile web or
8 computer browsers; is that right?

9 MR. DRAKE: Object to form and
10 lacks foundation.

11 THE WITNESS: I'm not sure.
12 I'm not in products. So I'm not sure
13 where Family Pairing was and wasn't.

14 BY MS. YEATES:

15 Q. Okay. We look at the paragraph at
16 the bottom here, it says:

17 "TikTok's parental controls are
18 only available for the TikTok mobile app, and
19 are not available on mobile web or computer
20 browsers."

21 Do you see that?

22 A. I do see that, yes.

23 Q. And above that the section is
24 titled Family Pairing and it says:

25 "Family Pairing links a parent or

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1 guardian's TikTok account to their teen's and,
2 once enabled, the parent can directly manage a
3 number of safety controls for their teen's
4 account."

5 Correct?

6 A. Yes, that's what it says.

7 Q. This TikTok Guide for Parents
8 section on Family Pairing does not disclose that
9 Family Pairing does not prevent young users from
10 creating multiple accounts, does it?

11 A. This section only talks about the
12 Family Pairing feature. It doesn't reflect what
13 you mentioned.

14 Q. Does this section in TikTok's
15 Guide for Parents on Family Pairing inform
16 parents that their children can unlink their
17 accounts from Family Pairing?

18 A. This section explains the features
19 of how Family Pairing can be made to work, not
20 what you're talking about in your question.

21 Q. Does this section in the TikTok
22 Guide for Parents on Family Pairing inform
23 parents that they would not be notified if their
24 child unlinked from Family Pairing?

25 A. This section explains what Family

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1 Pairing does. It doesn't have language
2 reflective of what you said.

3 Q. Does this section in the TikTok
4 Guide for Parents on Family Pairing inform
5 parents that they will not be notified if their
6 child creates multiple accounts?

7 A. This section is about how Family
8 Pairing works. It doesn't have language about
9 what you're talking about.

10 Q. Does this section in TikTok's
11 Guide for family -- for Parents on Family
12 Pairing inform parents that they would have to
13 set Family Pairing for every account that their
14 child had on TikTok?

15 A. This section explains the various
16 features of Family Pairing. It doesn't have
17 specific mention of what you're talking about.

18 Q. Does anything in the TikTok Guide
19 for Parents that TikTok and National PTA created
20 inform parents or schools that schools may be
21 harmed by student TikTok use?

22 A. I'll need to look through the
23 entire guide. Give me a minute, please.

24 (Reviews document.)

25 I don't see anything reflective of

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1 your question in this guide, no.

2 Q. Does anything in this TikTok Guide
3 for Parents inform parents or schools that
4 student TikTok use could lead to school
5 disruption?

6 MR. DRAKE: Object to form.

7 THE WITNESS: I don't believe
8 anything in the guide addressed your
9 question, no.

10 BY MS. YEATES:

11 Q. Does anything in the TikTok Guide
12 for Parents inform parents or schools that
13 student TikTok use could lead to damage to
14 schools?

15 MR. DRAKE: Object to form.

16 THE WITNESS: I don't believe
17 anything in the guide reflects your
18 question.

19 BY MS. YEATES:

20 Q. Does anything in the TikTok Guide
21 for Parents inform parents or schools that
22 schools may suffer harm from student TikTok use?

23 MR. DRAKE: Object to form.

24 THE WITNESS: I don't know
25 that there's anything in the guide that

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1 is about that subject.

2 BY MS. YEATES:

3 Q. Does anything in the TikTok Guide
4 for Parents inform parents or schools that
5 students are receiving TikTok notifications
6 during the school day?

7 MR. DRAKE: Object to form.

8 THE WITNESS: I don't believe
9 there is anything in the guide about what
10 you're asking.

11 BY MS. YEATES:

12 Q. Does anything in the TikTok Guide
13 for Parents inform parents or schools that
14 students are posting on TikTok during school
15 hours?

16 MR. DRAKE: Object to form.

17 THE WITNESS: There's nothing
18 in the guide that I'm aware of that's
19 reflective of your question.

20 BY MS. YEATES:

21 Q. Does anything in the TikTok Guide
22 for Parents inform parents or schools that
23 classrooms could be interrupted by students
24 receiving TikTok notifications?

25 MR. DRAKE: Object to form.

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1 THE WITNESS: Nothing in the
2 guide is reflective of your question that
3 I'm aware of.

4 BY MS. YEATES:

5 Q. Does anything in the TikTok Guide
6 for Parents inform parents or schools that
7 schools may need to divert or increase resources
8 to address youth mental health due to TikTok
9 use?

10 MR. DRAKE: Object to form.

11 THE WITNESS: Nothing in the
12 guide that is reflective of your
13 question.

14 BY MS. YEATES:

15 Q. Does anything in the TikTok Guide
16 for Parents tell parents or schools that schools
17 may need to hire additional counselors to
18 address mental health and behavioral issues
19 caused by students' TikTok use?

20 MR. DRAKE: Object to form.

21 THE WITNESS: Nothing in the
22 guide is reflective of your question.

23 BY MS. YEATES:

24 Q. Does anything in the TikTok Guide
25 for Parents inform parents or schools that

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1 schools may have to train staff on the harmful
2 effects of social media as a result of student
3 TikTok use?

4 MR. DRAKE: Object to form.

5 THE WITNESS: Nothing in
6 the -- in the guide is reflective of
7 that.

8 BY MS. YEATES:

9 Q. Does anything in the TikTok Guide
10 for Parents inform parents or schools that
11 schools may need to create educational materials
12 addressing social media addiction in response to
13 student TikTok use?

14 MR. DRAKE: Object to form.

15 THE WITNESS: Nothing in the
16 guide handles that area.

17 BY MS. YEATES:

18 Q. Does anything in the TikTok Guide
19 for Parents inform parents or schools that
20 TikTok use may lead to addiction?

21 MR. DRAKE: Object to form.

22 THE WITNESS: I'm not aware
23 of anything in the guide responsive to
24 that question.

25 BY MS. YEATES:

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1 Q. Does anything in the TikTok Guide
2 for Parents inform parents or schools that
3 TikTok use may lead to compulsive use of the
4 platform?

5 MR. DRAKE: Object to form.

6 THE WITNESS: Nothing in the
7 guide is about that.

8 BY MS. YEATES:

9 Q. Does anything in the TikTok Guide
10 for Parents inform parents or schools that
11 schools may have to spend time and resources
12 investigating crimes resulting from student
13 TikTok use?

14 MR. DRAKE: Object to form.

15 THE WITNESS: Nothing in the
16 guide about that.

17 BY MS. YEATES:

18 Q. Does anything in the TikTok guide
19 inform parents or schools that TikTok use could
20 lead to anorexia?

21 MR. DRAKE: Object to form.

22 THE WITNESS: Nothing in the
23 guide is about that.

24 BY MS. YEATES:

25 Q. Does anything in the TikTok Guide

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1 for Parents inform parents or schools that
2 TikTok use could lead to depression?

3 MR. DRAKE: Object to form.

4 THE WITNESS: There's nothing
5 in the guide about that.

6 BY MS. YEATES:

7 Q. Does anything in the TikTok Guide
8 for Parents inform parents or schools that
9 TikTok use could lead to self-harm or suicide?

10 MR. DRAKE: Object to form.

11 THE WITNESS: There's nothing
12 in the guide about that.

13 BY MS. YEATES:

14 Q. Does anything in the TikTok Guide
15 for Parents inform parents or schools that
16 TikTok use could lead to sleep disorders?

17 MR. DRAKE: Object to form.

18 THE WITNESS: There's nothing
19 in the guide about that.

20 BY MS. YEATES:

21 Q. Does anything in the TikTok Guide
22 for Parents inform parents or schools that
23 TikTok use could lead to body dysmorphia?

24 MR. DRAKE: Object to form.

25 THE WITNESS: There's nothing

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1 in the guide about that.

2 BY MS. YEATES:

3 Q. Does anything in the TikTok Guide
4 for Parents inform parents or schools that
5 schools may have to repair property damage
6 resulting from student TikTok use?

7 MR. DRAKE: Object to form.

8 THE WITNESS: There's nothing
9 in the guide about that.

10 BY MS. YEATES:

11 Q. Does anything in the TikTok Guide
12 for Parents inform parents or schools that
13 schools may need to spend and divert staff time
14 to confiscate cell phones from students for
15 using TikTok --

16 MR. DRAKE: Object to form.

17 BY MS. YEATES:

18 Q. -- during school hours?

19 MR. DRAKE: Sorry.

20 THE WITNESS: Nothing in the
21 guide that I'm aware of in that.

22 BY MS. YEATES:

23 Q. I'm going to repeat that because
24 the objection was in the middle of my question.
25 Does anything in the TikTok Guide

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1 for Parents inform parents or schools that
2 student TikTok use may cause schools to spend or
3 divert staff time to confiscate cell phones from
4 students who are using TikTok during school
5 hours?

6 MR. DRAKE: Object to form.

7 THE WITNESS: There's nothing
8 in the guide about that.

9 BY MS. YEATES:

10 Q. Does anything in the TikTok Guide
11 for Parents inform parents or schools that
12 schools may need to expend or divert resources
13 to respond to threats made against schools and
14 students over the TikTok platform?

15 MR. DRAKE: Object to form.

16 THE WITNESS: There's nothing
17 in the guide about that.

18 BY MS. YEATES:

19 Q. Does anything in the TikTok Guide
20 for Parents inform parents or schools that
21 student TikTok use may cause schools to expend,
22 divert or increase resources?

23 MR. DRAKE: Object.

24 BY MS. YEATES:

25 Q. Strike that.

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1 The last one. Let me try it
2 again.

3 Does anything in the TikTok Guide
4 for Parents inform parents or schools that
5 student TikTok use may cause schools to expend,
6 divert or increase technology resources in an
7 attempt to limit students' access to the TikTok
8 platform during school hours?

9 MR. DRAKE: Object to form.

10 THE WITNESS: There's nothing
11 in the guide about that.

12 MS. YEATES: Thank you. Let's
13 take a break.

14 THE VIDEOGRAPHER: Okay.
15 Stand by.

16 The time is 5:23 PM. We're
17 going off the record.

18 (A recess was taken.)

19 THE VIDEOGRAPHER: The time is
20 5:35 PM. We're back on the record.

21 MS. YEATES: Can you pull up
22 tab 89, please.

23 DOCUMENT TECH: This is going
24 to be Ebenstein 58.

25 (Document marked for

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1 (Document marked for
2 identification as TikTok-Ebenstein
3 Exhibit 62.)

4 BY MS. YEATES:

5 Q. Mr. Ebenstein, do you recognize
6 Exhibit 62?

7 A. No, I don't.

8 Q. You understand that this document
9 was produced by TikTok from your custodial file;
10 correct?

11 A. If you say so, yes, I do.

12 Q. And you understand that Exhibit 62
13 is an attachment to Exhibit 61, which was the
14 Lark chat between you and your colleagues titled
15 State Dream Team; correct?

16 A. If you say it was, then yes.

17 Q. This document is titled Quarterly
18 Review Dashboard, State and Local Policy Team ;
19 right?

20 A. I see that there, yes.

21 Q. I will represent to you that the
22 metadata shows this document is dated March 19,
23 2024.

24 Do you have any reason to dispute
25 that?

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1 A. If you say so, no, I do not.

2 Q. At the top of the document it says
3 "Lead: Eric Ebenstein"; right?

4 A. Yes, I see that.

5 Q. The first page, Quarter 1, 2024
6 Team Highlights.

7 Do you see that section?

8 A. Yes, I do.

9 Q. Can you read the first two bullets
10 under that section, please?

11 A. Sure.

12 First bullet says: "The team is
13 actively tracking 267 priority bills in 44
14 states across our priority tracker."

15 The second bullet reads: "The
16 State Team has onboarded 15 additional new
17 firms, expanding our coverage to 36 states."

18 Q. And bullet number 4 states:
19 "Washington - Successfully defeated an outright
20 TikTok ban"; correct?

21 A. Yes.

22 Q. And that was one of your 2024 team
23 highlights?

24 A. That's what it says in the
25 document here, yes.

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1 here and for 95 percent of the time today
2 has been listening to you read documents
3 into the record, or you've asked him to
4 read documents into the record.

5 There have been very few
6 questions presented today. So my ask is
7 that over -- overnight tonight perhaps
8 the plaintiffs team could take a look at
9 their outline and see if we can be as
10 efficient as possible.

11 Because we object to and are
12 opposed to sitting here for another three
13 or four hours tomorrow listening to you
14 read documents. The documents say what
15 they say. They don't need to be read
16 into the record.

17 That's not required under any
18 evidentiary rule, and it's disrespectful
19 of Mr. Ebenstein's time.

20 MS. YEATES: Well, I would
21 object to that. I certainly don't think
22 it's disrespectful of anyone's time.

23 I think this is a deposition
24 that is a trial deposition and will
25 likely be shown to a jury, and it's

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CERTIFICATE OF REPORTER

DISTRICT OF COLUMBIA)

I, Denise Dobner Vickery, a
Registered Court Reporter and Notary Public of
the District of Columbia, do hereby certify that
the witness was first duly sworn by me.

I do further certify that the
foregoing is a verbatim transcript of the
testimony as taken stenographically by me at the
time, place and on the date herein set forth, to
the best of my ability.

I do further certify that I am
neither a relative nor employee nor counsel of
any of the parties to this action, and that I am
neither a relative nor employee of such counsel,
and that I am not financially interested in the
outcome of this action.



DENISE DOBNER VICKERY, CRR, RMR
Notary Public in and for the
District of Columbia

My Commission expires: March 14, 2028

Exhibit 444B

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

IN RE: SOCIAL MEDIA ADOLESCENT Case No.
ADDICTION/PERSONAL INJURY 4:22-MD-03047-YGR
PRODUCTS LIABILITY LITIGATION MDL No. 3047

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
UNLIMITED JURISDICTION

Coordination Proceeding Judicial Council
Special Title(Rule 3.550) Coordination Proceeding
SOCIAL MEDIA CASES No. 5255

This Document Relates to:
ALL ACTIONS

----- VOLUME II

CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER
VIDEO-RECORDED DEPOSITION OF ERIC EBENSTEIN

Wednesday, March 12, 2025

10:00 AM EST

Reported by: Denise Dobner Vickery, CRR, RMR
JOB NO.: 7101217

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1 Q. Did you watch Mr. Chew's
2 January 31, 2024 testimony before the Senate
3 judiciary committee on television?

4 A. Yes, I did.

5 Q. You understand that there was a
6 written statement of the testimony that Mr. Chew
7 would be providing to the Senate Judiciary
8 Committee on January 31, 2024 as well?

9 A. Yes, I'm generally aware he
10 submitted, you know, a written statement before
11 his testimony.

12 MS. YEATES: Can we pull up
13 tab 145, please, and mark that as an
14 exhibit.

15 DOCUMENT TECH: Ebenstein 63.
16 (Document marked for
17 identification as TikTok-Ebenstein
18 Exhibit 63.)

19 BY MS. YEATES:

20 Q. Mr. Ebenstein, do you recognize
21 Exhibit 63 as a written statement of Mr. Chew's
22 testimony to the Senate Judiciary Committee on
23 January 31, 2024?

24 A. Let me look through it, please.
25 (Reviews document.)

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1 I can't be certain, but this looks
2 like what it's titled as.

3 Q. In your role as director of public
4 policy at TikTok, you helped Mr. Chew prepare
5 for the statement to the Senate Judiciary
6 Committee; correct?

7 MR. DRAKE: Objection. Asked
8 and answered.

9 THE WITNESS: No. The work I
10 did was preparing him for the question
11 and answer segment of -- of the hearing.
12 I was not involved in the -- in the
13 written statement. I don't recall being
14 involved in the written -- written
15 statement.

16 BY MS. YEATES:

17 Q. Okay. So in addition to the
18 written statement that we're looking at in
19 Exhibit 63, there was a question and answer
20 session with the Senate Judiciary Committee that
21 you prepared Mr. Chew for; is that right?

22 A. Yes.

23 Q. Can we turn to Bates in the same
24 document 7838837.

25 Do you see there's a section in

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1 Mr. Chew's statement to the Senate Judiciary
2 Committee titled TikTok's Partnerships?

3 A. Yes, I do.

4 Q. Can you please read the fourth
5 bullet of that statement relating to TikTok's
6 partnerships?

7 A. Yes.

8 "We worked with ConnectSafely - a
9 nonprofit dedicated to educating users of
10 connected technology about safety, privacy, and
11 security - to develop a TikTok-specific guide
12 for parents and teens."

13 Q. And Mr. Chew describes
14 ConnectSafely as a nonprofit; correct?

15 A. That's what's written there, yes.

16 Q. Did Mr. Chew inform the Senate
17 Judiciary Committee that TikTok provided funding
18 to ConnectSafely?

19 MR. DRAKE: Object to form.
20 Document speaks for itself.

21 THE WITNESS: I don't see
22 anything in this section about that, no.

23 BY MS. YEATES:

24 Q. Can you please read the fifth
25 bullet under TikTok's Partnerships in Mr. Chew's

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1 statement to the Senate Judiciary Committee?

2 A. Sure.

3 "TikTok's Top 10 Tips for Families
4 guide for the Family Online Safety Institute
5 offers information on several tools to help
6 teens manage how they interact with other users
7 and who can see their videos. It includes
8 information about privacy restrictions, content,
9 comments, and messages."

10 Q. Did Mr. Chew inform the Senate
11 Judiciary Committee that TikTok provides funding
12 to the Family Online Safety Institute?

13 A. I don't see anything in that
14 section about that, no.

15 Q. Can we turn to page 6 of this
16 document, Bates 783839.

17 There's a section titled TikTok's
18 Other Efforts to Promote a Safe Experience for
19 Younger Users.

20 Do you see that?

21 A. Yes, I do.

22 Q. And that section continues on to
23 the next page. Can we scroll down to that,
24 please.

25 The third paragraph from the

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1 bottom, can we blow that up, please.

2 Part of Mr. Chew's testimony to
3 the Senate Judiciary Committee in January 2024
4 talked about Family Pairing; correct?

5 A. Yeah, I see Family Pairing
6 mentioned in this section.

7 Q. And Mr. Chew informed the Senate
8 Judiciary Committee "With Family Pairing,
9 parents and guardians can link their TikTok
10 accounts to their teens' accounts and set
11 particular controls for screen time, direct
12 messaging, search, and content, amongst others";
13 is that right?

14 A. That's correct.

15 Q. Mr. Chew did not inform the Senate
16 Judiciary Committee or the public that parents
17 would not be notified by Family Pairing or by
18 TikTok if their child created multiple accounts
19 on the platform; correct?

20 MR. DRAKE: Object to form.

21 THE WITNESS: This section
22 was specific to what Family Pairing does,
23 not what teen or other users may do.

24 BY MS. YEATES:

25 Q. In this testimony before the

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1 Senate Judiciary Committee on January 2024, did
2 Mr. Chew inform the Senate Judiciary Committee
3 or the public that parents would not be notified
4 by TikTok if their child created multiple
5 accounts?

6 MR. DRAKE: Object to form.

7 THE WITNESS: I don't recall
8 what was said during oral testimony, but
9 I don't see anything about that in this
10 section here.

11 BY MS. YEATES:

12 Q. And in his testimony before the
13 Senate Judiciary Committee in January 2024, did
14 Mr. Chew inform the Judiciary Committee or the
15 public that TikTok's Family Pairing feature
16 allows young users to unlink their accounts from
17 their parents at any time?

18 MR. DRAKE: Object to form.

19 THE WITNESS: I don't recall
20 what was said in oral testimony, but I
21 don't see anything written here.

22 BY MS. YEATES:

23 Q. In his testimony before the Senate
24 Judiciary Committee in January 2024, did
25 Mr. Chew inform the Judiciary Committee or the

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1 public that parents would not be notified by
2 e-mail or phone if their child unlinked their
3 account from Family Pairing?

4 MR. DRAKE: Object to form.

5 THE WITNESS: I don't recall
6 what was discussed in oral testimony, but
7 I don't see that in the written testimony
8 here.

9 BY MS. YEATES:

10 Q. Did Mr. Chew inform Senate
11 Judiciary Committee or the public that a child
12 can unlink their account from Family Pairing
13 without obtaining the parent's consent?

14 MR. DRAKE: Object to form.

15 THE WITNESS: I don't recall
16 everything discussed in oral testimony,
17 but I don't see that written here.

18 BY MS. YEATES:

19 Q. Did Mr. Chew inform the Senate
20 Judiciary Committee or the public that if a
21 child created multiple accounts, the parent
22 would have to set Family Pairing for every
23 account their child has on TikTok?

24 MR. DRAKE: Object to form.

25 THE WITNESS: I don't recall

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1 answer period.

2 BY MS. YEATES:

3 Q. Is that in this written statement?

4 A. Not that language, no.

5 Q. Did Mr. Chew tell the Senate
6 Judiciary Committee or the public that TikTok
7 use may be associated with any type of harm to
8 teens?

9 MR. DRAKE: Object to form.

10 THE WITNESS: I don't recall
11 if that was covered in the question and
12 answer period.

13 BY MS. YEATES:

14 Q. Did Mr. Chew inform the Senate
15 Judiciary Committee or the public that TikTok
16 use could lead to disruptions in schools?

17 MR. DRAKE: Object to form.

18 THE WITNESS: I don't recall
19 if that was discussed in the question and
20 answer period.

21 BY MS. YEATES:

22 Q. Do you see that in this written
23 statement?

24 A. Let me take a look back.
25 (Reviews document.)

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1 Not that language, no.

2 Q. Did Mr. Chew inform the Senate
3 Judiciary Committee or the public that student
4 TikTok use could lead to damage in schools?

5 MR. DRAKE: Object to form.

6 THE WITNESS: I don't recall
7 if that was covered during the question
8 and answer period.

9 BY MS. YEATES:

10 Q. Is that in this written statement?

11 A. No.

12 Q. Did Mr. Chew inform the Senate
13 Judiciary Committee or the public that students
14 were posting on TikTok during school hours?

15 MR. DRAKE: Object to form.

16 THE WITNESS: I don't recall
17 if that was discussed during the question
18 and answer period.

19 BY MS. YEATES:

20 Q. Is that in this written statement?

21 A. No.

22 Q. Did Mr. Chew inform the Senate
23 Judiciary Committee or the public that students
24 were receiving TikTok notifications during
25 school day?

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1 MR. DRAKE: Object to form.

2 THE WITNESS: I don't know if
3 that was covered during the
4 back-and-forth at the hearing.

5 BY MS. YEATES:

6 Q. Is that in this written statement?

7 A. I don't believe so.

8 Q. Did Mr. Chew inform the Senate
9 Judiciary Committee or the public that
10 classrooms could be interrupted by students
11 receiving TikTok notifications during school
12 hours?

13 MR. DRAKE: Object to form.

14 THE WITNESS: I don't recall
15 if that was discussed at the hearing.

16 BY MS. YEATES:

17 Q. Did Mr. Chew inform the Senate
18 Judiciary Committee or the public that student
19 TikTok use could lead to any harm in schools?

20 MR. DRAKE: Object to form.

21 THE WITNESS: I don't recall
22 if that was discussed at the hearing.

23 BY MS. YEATES:

24 Q. Is it in this written statement?

25 A. No.

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1 Q. Did Mr. Chew inform the Senate
2 Judiciary Committee or the public that student
3 TikTok use may cause schools to divert or
4 increase resources to provide additional mental
5 health resources to students?

6 MR. DRAKE: Object to form.

7 THE WITNESS: I don't recall
8 if that was discussed at the hearing.

9 BY MS. YEATES:

10 Q. Is that in this written statement?

11 MR. DRAKE: Object to form.

12 THE WITNESS: No.

13 BY MS. YEATES:

14 Q. Did Mr. Chew inform the Senate
15 Judiciary Committee or the public that student
16 TikTok use may cause schools to hire additional
17 counselors in response to increased mental
18 health and behavioral issues?

19 MR. DRAKE: Object to form.

20 THE WITNESS: I don't recall
21 if that was discussed at the hearing.

22 BY MS. YEATES:

23 Q. Is that in this written statement?

24 MR. DRAKE: Object to form.

25 THE WITNESS: No.

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1 BY MS. YEATES:

2 Q. Did Mr. Chew inform the Senate
3 Judiciary Committee or the public that schools
4 may have to train staff on the harmful effects
5 of social media as a result of student TikTok
6 use?

7 MR. DRAKE: Object to form.

8 THE WITNESS: I don't recall
9 if that was discussed at the hearing.

10 BY MS. YEATES:

11 Q. Is that in this written statement?

12 MR. DRAKE: Object to form.

13 THE WITNESS: No, it's not.

14 BY MS. YEATES:

15 Q. Did Mr. Chew inform the Senate
16 Judiciary Committee or the public that schools
17 may have to create an educational material
18 addressing social media addiction as a result of
19 TikTok use?

20 MR. DRAKE: Object to form.

21 THE WITNESS: I don't recall
22 if that was discussed at the hearing.

23 BY MS. YEATES:

24 Q. Is it in this written statement?

25 MR. DRAKE: Object to form.

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1 THE WITNESS: No.

2 BY MS. YEATES:

3 Q. Did Mr. Chew inform the Senate
4 Judiciary Committee or the public that schools
5 may have to spend time and resources
6 investigating crimes that result from student
7 TikTok use?

8 MR. DRAKE: Object to form.

9 THE WITNESS: I don't recall
10 if that was discussed at the hearing.

11 BY MS. YEATES:

12 Q. Is it in this written statement?

13 MR. DRAKE: Object to form.

14 THE WITNESS: No.

15 BY MS. YEATES:

16 Q. Did Mr. Chew inform the Senate
17 Judiciary Committee or the public that schools
18 may have to repair property damage resulting
19 from student TikTok use?

20 MR. DRAKE: Object to form.

21 THE WITNESS: I don't recall
22 if that was discussed at the hearing.

23 BY MS. YEATES:

24 Q. Is it in this written statement?

25 MR. DRAKE: Object to form.

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1 THE WITNESS: No.

2 BY MS. YEATES:

3 Q. Did Mr. Chew inform the Senate
4 Judiciary Committee or the public that schools
5 may need to expend or divert staff time to
6 confiscate cell phone and other devices as a
7 result of student TikTok use during the school
8 day?

9 MR. DRAKE: Object.

10 THE WITNESS: I don't recall
11 if that was discussed at the hearing.

12 BY MS. YEATES:

13 Q. Is that in this written statement?

14 MR. DRAKE: Object.

15 THE WITNESS: No.

16 BY MS. YEATES:

17 Q. Did Mr. Chew inform the Senate
18 Judiciary Committee or the public that schools
19 may need to expend, divert or increase time and
20 resources to communicate with parents and
21 guardians regarding these mental health
22 behavioral and attendance issues as a result of
23 student TikTok use?

24 MR. DRAKE: Object to form.

25 THE WITNESS: I don't recall

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1 if that was discussed at the hearing.

2 BY MS. YEATES:

3 Q. Is that in this written statement?

4 MR. DRAKE: Objection.

5 THE WITNESS: No.

6 BY MS. YEATES:

7 Q. Did Mr. Chew inform the Senate
8 Judiciary Committee or the public that schools
9 may need to respond to threats made against
10 schools and students on TikTok?

11 MR. DRAKE: Object to form.

12 THE WITNESS: I don't recall
13 if that was discussed at the hearing.

14 BY MS. YEATES:

15 Q. Is that in this written statement?

16 MR. DRAKE: Object to form.

17 THE WITNESS: No.

18 BY MS. YEATES:

19 Q. Did Mr. Chew inform the Senate
20 Judiciary Committee or the public that schools
21 may need to expend, divert and increase
22 resources, including technology resources, in an
23 attempt to limit students' TikTok use during
24 school hours?

25 MR. DRAKE: Object to form.

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1 THE WITNESS: I don't recall
2 if that was discussed at the hearing.

3 BY MS. YEATES:

4 Q. Is that in this written statement?

5 MR. DRAKE: Object to form.

6 THE WITNESS: No.

7 BY MS. YEATES:

8 Q. Did Mr. Chew inform the Senate
9 Judiciary Committee or the public that schools
10 may need to invest in physical barriers, such as
11 magnetic pouches, to keep students from
12 accessing TikTok during school hours?

13 MR. DRAKE: Objection.

14 THE WITNESS: I don't know if
15 that was discussed at the hearing.

16 BY MS. YEATES:

17 Q. Is that in this written statement?

18 A. No.

19 Q. Did Mr. Chew inform the Senate
20 Judiciary Committee or the public that schools
21 may need to develop new or revised teaching
22 plans to address students' altered learning
23 habits, including reduced attention and
24 inability to communicate effectively, as a
25 result of student TikTok use?

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1 MR. DRAKE: Object to form.

2 THE WITNESS: I don't recall
3 if that was discussed at the hearing.

4 BY MS. YEATES:

5 Q. Is that in this written statement?

6 MR. DRAKE: Object to form.

7 THE WITNESS: No.

8 BY MS. YEATES:

9 Q. Did Mr. Chew inform the Senate
10 Judiciary Committee or the public that schools
11 may need to provide additional learning support
12 to address students' declining achievement as a
13 result of the negative impact of problematic
14 social media use on students' ability and
15 capacity to learn in connection with students'
16 TikTok use?

17 MR. DRAKE: Object to form.

18 THE WITNESS: I'm sorry.

19 Could you repeat that one again?

20 BY MS. YEATES:

21 Q. Did Mr. Chew inform the Senate
22 Judiciary Committee or the public that schools
23 may have to provide additional learning support
24 in response to student TikTok use?

25 MR. DRAKE: Object to form.

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1 THE WITNESS: I don't recall
2 if that was discussed at the hearing.

3 BY MS. YEATES:

4 Q. Is that in this written statement?

5 MR. DRAKE: Object to form.

6 THE WITNESS: No.

7 MS. YEATES: Thank you,
8 Mr. Ebenstein. I have no further
9 questions at this time of the deposition.
10 I may have additional
11 questions later in the deposition. Now I
12 will pass the deposition to my colleague,
13 Chris Ryder.

14 I do need to leave -- I do
15 need to leave my portion of the
16 deposition open to the extent TikTok
17 produces additional documents or any
18 privileged challenges are resolved that
19 result in additional documents being
20 produced from your custodial file.

21 I appreciate your time. Thank
22 you.

23 MR. DRAKE: We object to that.

24 I also don't understand the
25 differences between your portion of the

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1 deposition and Mr. Ryder's portion of the
2 deposition, but needless to say, we can
3 litigate that issue later.

4 MS. YEATES: I was just
5 describing, by way of stopping in the
6 middle that I'll say at the end of the
7 deposition, the deposition needs to stay
8 open to the extent that additional
9 documents are produced from
10 Mr. Ebenstein's custodial file or any
11 privilege challenges are resolved that
12 lead to the production of additional
13 documents, we may need to bring
14 Mr. Ebenstein back. Thank you.

15 MR. DRAKE: Sure. We oppose
16 that and we look forward to the
17 opportunity to litigate that issue before
18 the judge.

19 THE VIDEOGRAPHER: Mr. Ryder,
20 before you start, may we just go off the
21 record real quick?

22 MR. RYDER: Yes.

23 THE VIDEOGRAPHER: Time is
24 10:27 AM. We're going off the record.
25 (A recess was taken.)

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1 THE VIDEOGRAPHER: The time is
2 10:36 AM and we are back on the record.

3 EXAMINATION

4 BY MR. RYDER:

5 Q. Good morning, Mr. Ebenstein. My
6 name is Chris Ryder. I'm an attorney with
7 Keller Rohrback, and I also represent the
8 plaintiffs in this matter.

9 How are you doing?

10 A. Good morning. Fine. Thank you.

11 MR. DRAKE: Mr. Ryder, before
12 we begin, can you clarify which -- which
13 plaintiffs you're asking questions on
14 behalf of and how that contrasted with
15 Ms. Yeates?

16 MR. RYDER: Sure. I am
17 representing the JCCP plaintiffs today.

18 MR. DRAKE: Okay. Thank you.

19 BY MR. RYDER:

20 Q. Mr. Ebenstein, do you understand
21 you are still under oath; correct?

22 A. Yes.

23 Q. Without divulging any
24 conversations you've had with counsel, can you
25 tell me your understanding of what this lawsuit

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1 is about?

2 A. My limited understanding is
3 alleged claims of, I think, addiction and
4 possible damage from social media use.

5 Q. Do you understand that children
6 are involved in this lawsuit?

7 A. I'm not aware --

8 MR. DRAKE: Object to form.

9 THE WITNESS: Sorry.

10 I'm not aware of the ages of
11 the plaintiffs, no.

12 BY MR. RYDER:

13 Q. You understand that individuals
14 are involved in this lawsuit?

15 A. Yes.

16 Q. Okay. And do you understand that
17 school districts are also plaintiffs in this
18 lawsuit?

19 MR. DRAKE: Object to form.

20 THE WITNESS: Yes.

21 BY MR. RYDER:

22 Q. Do you understand that some of the
23 individual plaintiffs in this case allege they
24 have anxiety?

25 A. I'm not familiar with that

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1 information, no.

2 Q. Okay. Do you understand that they
3 have alleged that their anxiety has been caused
4 or worsened by social media?

5 A. I'm not aware of that claim, no.

6 Q. Do you understand that some of the
7 individual plaintiffs in this case allege they
8 have body dysmorphia?

9 A. I'm not aware of that claim, no.

10 Q. Okay. Do you understand that they
11 have alleged that their body dysmorphia has been
12 caused or worsened by social media?

13 A. I'm not aware of that claim, no.

14 Q. Do you understand that some of the
15 plaintiffs in this case have depression?

16 A. I have no knowledge of that.

17 Q. Do you understand that some of the
18 plaintiffs in this case allege they have engaged
19 in self-harm?

20 A. I have no knowledge of that, no.

21 Q. Okay. Do you understand that they
22 have alleged they engaged in self-harm because
23 of social media?

24 A. I have no knowledge of that, no.

25 Q. Are you concerned to hear that

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1 kids and their families are alleging that social
2 media has caused or worsened these types of
3 injuries?

4 A. I have no knowledge of those --
5 those claims. So I don't have any -- anything I
6 can say about that.

7 Q. Are you concerned when individuals
8 say that they've been harmed by their TikTok
9 use?

10 A. I am not familiar. I don't know
11 that I've ever had a conversation or a claim put
12 to me about that kind of information. So I'm
13 not aware of that, no.

14 Q. If someone were to approach you
15 and say that they've been harmed by using
16 TikTok, would that concern you?

17 MR. DRAKE: Object to form.
18 Incomplete hypothetical.

19 THE WITNESS: If someone came
20 to me and told me they were harmed by --
21 by anything, I would feel badly about
22 that. Sure.

23 BY MR. RYDER:

24 Q. Mr. Ebenstein, do you have a
25 TikTok account?

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1 A. Yes, I do.

2 Q. When did you first create yours?

3 A. I don't remember exactly, but
4 probably sometime in late 2018 or early 2019.

5 Q. Okay. Do you have more than one
6 TikTok account?

7 A. No.

8 Q. What is your username?

9 A. I believe it's [REDACTED]
10 [REDACTED]

11 Q. So you're familiar with how TikTok
12 functions from a user's perspective?

13 A. I like to have a general
14 understanding of how the platform works, yes.

15 Q. Do you have any other social media
16 accounts?

17 A. Yes.

18 Q. What other social media accounts
19 do you have?

20 A. I have an account on X formerly
21 known as Twitter. I have a Facebook account. I
22 use YouTube on occasion, but I can't recall if
23 I'm logged in as a user or I just use it
24 generally.

25 Those are the main ones that come

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1 to mind.

2 Q. You have a personal e-mail;
3 correct?

4 A. Yes, I do.

5 Q. And that's a Gmail account; right?

6 A. Yes, it is.

7 Q. And is it
8 [REDACTED]@gmail.com?

9 A. Yes, it is.

10 Q. Do you have any other personal
11 e-mail accounts?

12 A. I have a very old Yahoo account
13 that I think I use for fantasy sports, and
14 that's it.

15 Q. What fantasy sports do you play?

16 A. For that account, it's primarily
17 basketball and football, if I recall correctly.

18 Q. And you have a work e-mail; right?

19 A. Yes, I do.

20 Q. What is your work e-mail?

21 A. My work e-mail is
22 [REDACTED]@tiktok.com.

23 Q. And do you have any other work
24 e-mails?

25 A. No, I don't.

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1 Q. Do you have any e-mails ending in
2 @bytedance.com?

3 A. As I understand it, that's one
4 e-mail with different aliases, but the e-mail
5 that I send from and the e-mail that I know -- I
6 think I receive from is the @tiktok.com
7 exchange.

8 Q. So if someone were to e-mail
9 [REDACTED]@bytedance.com, is it your
10 understanding that you would still receive that
11 e-mail?

12 A. I believe that to be accurate,
13 yes.

14 Q. Okay. Have you ever sent
15 work-related e-mails using your personal Gmail
16 account?

17 A. I don't believe so, no. I want to
18 keep those as separate as possible.

19 Q. Okay. Have you ever received
20 work-related e-mails at your personal Gmail
21 account?

22 A. I don't believe so, no. I
23 wouldn't share that e-mail address with anyone
24 to do with work.

25 Q. Okay. Is it possible that

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1 individuals could have gotten that e-mail from
2 somewhere else and then sent you e-mails related
3 to your work at TikTok?

4 MR. DRAKE: Objection.

5 THE WITNESS: I have no
6 recollection -- recollection of that.
7 Even random e-mails that I get from
8 strangers are @tiktok.com if they're
9 trying to guess what my e-mail address
10 is.

11 MR. RYDER: TJ, pull up tab
12 139. We'll introduce this as the next
13 exhibit.

14 (Document marked for
15 identification as TikTok-Ebenstein
16 Exhibit 64.)

17 BY MR. RYDER:

18 Q. Mr. Ebenstein, are you able to see
19 the document we just pulled up?

20 DOCUMENT TECH: I'm uploading
21 it right now. Just give me one quick
22 second.

23 MR. RYDER: Okay. Thank you,
24 TJ.

25 BY MR. RYDER:

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1 Q. And, Mr. Ebenstein, just let me
2 know when you're able to see and view the
3 exhibit.

4 A. Sure.

5 DOCUMENT TECH: Ebenstein 64
6 is up.

7 MR. RYDER: Thank you.

8 THE WITNESS: Yes, I see that.

9 BY MR. RYDER:

10 Q. This is an e-mail you forwarded
11 from your bytedance.com e-mail address to your
12 gmail.com address; correct?

13 A. Yes.

14 Q. Okay. And this e-mail shows that
15 you forwarded an attached image originally sent
16 by printer@bytedance.com; correct?

17 A. Yes, that's what that says.

18 Q. And this was sent on November 12,
19 2019; correct?

20 A. That's what this says, yes.

21 Q. And your personal Gmail was not
22 something provided to you by TikTok or
23 ByteDance; right?

24 A. That's correct.

25 Q. Do you have any recollection of

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1 what the PDF attached was?

2 A. No, I do not.

3 Q. Is it common for you to forward
4 e-mails from your work account to your personal
5 Gmail account?

6 A. No, it is not common.

7 Q. You have no reason to dispute that
8 you didn't forward this yourself; right?

9 MR. DRAKE: Object to form.

10 THE WITNESS: I see what the
11 document here says. I -- I believe it's
12 accurate.

13 BY MR. RYDER:

14 Q. No one else has access to your
15 bytedance.com e-mail account; correct?

16 A. I'm not aware of anyone else who
17 does.

18 MR. RYDER: Let's take that
19 exhibit down.

20 TJ, can we pull up tab 140
21 next and mark that as the next exhibit.

22 DOCUMENT TECH: Ebenstein 65.

23 (Document marked for
24 identification as TikTok-Ebenstein
25 Exhibit 65.)

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1 BY MR. RYDER:

2 Q. Mr. Ebenstein, do you recognize
3 this document?

4 A. No, I do not.

5 Q. I'll represent to you this was
6 produced by TikTok as part of your custodial
7 file.

8 Do you have any reason to dispute
9 that?

10 A. If you say so, no.

11 Q. This is an e-mail forwarded from
12 the Gmail account [REDACTED]@gmail.com to
13 your work e-mail [REDACTED]@bytedance.com;
14 correct?

15 A. Yes, I see that.

16 Q. And the e-mail is sent
17 February 27, 2019; right?

18 A. I see that, yes.

19 Q. And the subject line says, BGR
20 memo on today's Senate Commerce hearing on data
21 privacy; correct?

22 A. That's what it says, yes.

23 Q. Okay. And there's also an
24 attachment to this e-mail; right?

25 A. I don't see that. I see it's

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1 referenced, but I don't see that the attachment,
2 no.

3 Q. Okay. Based on that language,
4 including attachments and the .docs, is it your
5 understanding that a document would have been
6 attached to this e-mail?

7 MR. DRAKE: Object to form.

8 THE WITNESS: I guess it's
9 possible. I'm not sure how it works.
10 Sometimes things say attachment and it's
11 an old e-mail. If this is the way
12 it -- if this is the way it says it here,
13 then it's entirely possible, yes.

14 BY MR. RYDER:

15 Q. The forwarded e-mail was
16 originally sent by [REDACTED] of BGR
17 Government Affairs to your personal e-mail;
18 right?

19 A. Yes.

20 Q. And that was sent on February 28,
21 2019; correct?

22 A. Correct.

23 Q. And was sent to your personal
24 Gmail account; right?

25 A. Yes.

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1 MR. RYDER: Let's take that
2 down.

3 And, TJ, can we pull up tab
4 140.1 and mark that as the next exhibit.

5 DOCUMENT TECH: Ebenstein 66.

6 (Document marked for
7 identification as TikTok-Ebenstein
8 Exhibit 66.)

9 BY MR. RYDER:

10 Q. Mr. Ebenstein, I'll represent to
11 you this is the attachment to the last e-mail we
12 just looked at.

13 Do you have any reason to dispute
14 that?

15 A. If you say so, no, I do not.

16 Q. Okay. And this is a memo
17 regarding a Senate Commerce Committee hearing on
18 data privacy; is that correct?

19 A. Let me look at the memo for a
20 minute. Excuse me.

21 (Reviews document.)

22 Yes, that looks accurate.

23 Q. Okay. And the memo itself is
24 dated February 27, 2019; correct?

25 A. Yes, correct.

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1 Q. And at the top, the "To" line is
2 to BGR Group Clients; correct?

3 A. Yes, that's what it says.

4 MR. RYDER: And, TJ, can we
5 actually go back to the last exhibit,
6 please. Thank you.

7 BY MR. RYDER:

8 Q. So [REDACTED] forwarded this memo
9 directly to you; correct?

10 A. That's what it looks like here,
11 yes.

12 Q. And his e-mail states that he's a
13 principal at BGR Government Affairs; correct?

14 A. Yes.

15 Q. What is TikTok's relationship with
16 BGR Government Affairs?

17 A. I'm not aware that TikTok has a
18 relationship with BGR. This was about a week
19 after I started work, and [REDACTED] was a former
20 lobbyist of mine who likely didn't have my new
21 work e-mail and was trying to do me a favor.

22 Q. And you see there's actually an
23 e-mail below in the chain from a [REDACTED];
24 is that right?

25 A. I see that, yes.

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1 Q. His e-mail states that you should
2 "feel free to share clients who are interested
3 in this topic"; correct?

4 A. It says that, yes.

5 Q. This privacy --

6 THE VIDEOGRAPHER: Mr. Ryder,
7 sorry. We have to go off the record.
8 The court reporter is requesting. Times
9 is 10:50 AM. We're going off the record.
10 (A recess was taken.)

11 THE VIDEOGRAPHER: Time is
12 10:51 AM and we're back on the record.

13 BY MR. RYDER:

14 Q. Thanks for bearing with me,
15 Mr. Ebenstein.

16 A. Sure.

17 Q. Live with technology. Can't live
18 without it.

19 I will retake my question since I
20 believe I was in the middle of it before we had
21 to go off the record.

22 Data privacy is important to your
23 work at TikTok; correct?

24 MR. DRAKE: Object to form.

25 THE WITNESS: Yes.

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1 MR. RYDER: You can take this
2 exhibit down.

3 TJ, can you pull up tab R34.
4 It should be in a separate folder.

5 Thank you, and mark this as
6 the next exhibit.

7 DOCUMENT TECH: Ebenstein 67.
8 (Document marked for
9 identification as TikTok-Ebenstein
10 Exhibit 67.)

11 BY MR. RYDER:

12 Q. Mr. Ebenstein, do you recognize
13 this document?

14 A. No, I do not.

15 Q. I'll represent to you this was
16 produced by TikTok as part of your custodial
17 file.

18 Do you have any reason to dispute
19 that?

20 A. If you say so, no.

21 Q. This is an e-mail from [REDACTED]
22 [REDACTED] sent to both your gmail.com e-mail
23 address and your bytedance.com e-mail address;
24 correct?

25 A. I see that there, yes.

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1 Q. And the date of the e-mail is
2 March 2, 2020; correct?

3 A. Yes, I see that.

4 Q. Okay. Do you recall receiving
5 this e-mail?

6 A. No, I do not.

7 Q. [REDACTED] tells you she's a
8 producer of a documentary about adolescent teen
9 suicide; is that correct?

10 A. I see that, yes.

11 Q. Okay. And in the third paragraph
12 she notes you are a member of FOSI and the
13 Internet Matters coalition; right?

14 A. I see that, yes.

15 Q. And she hopes you'd be interested
16 in supporting a screening program for the
17 documentary; right?

18 A. I see those words, yeah.

19 Q. Do you recall whether you
20 responded to this e-mail?

21 A. I don't recall, no.

22 MR. RYDER: You can take this
23 exhibit down.

24 Pull up R33 and mark it as the
25 next exhibit.

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1 DOCUMENT TECH: Ebenstein --
2 sorry. Ebenstein 82.

3 (Document marked for
4 identification as TikTok-Ebenstein
5 Exhibit 82.)

6 MR. RYDER: Thank you, TJ.
7 Too eager.

8 BY MR. RYDER:

9 Q. Mr. Ebenstein, you see a document
10 in front of you saying "TikTok Family Pairing
11 Guide for Parents, A collaboration between
12 TikTok and National PTA"?

13 A. Yes, I do.

14 Q. Do you recognize this document?

15 A. Yes, I do.

16 Q. What is it?

17 A. It's a picture of a physical guide
18 that was sent out to parents.

19 Q. Okay. And TikTok distributed this
20 via direct mail; right?

21 A. I don't remember who distributed
22 it, but I do believe it was through direct mail,
23 yes.

24 Q. Okay. And you said it was sent
25 out to parents; right?

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1 A. I believe that was the -- the
2 goal, yes.

3 Q. Okay. Be fair to say this was a
4 mass mailer?

5 A. Yeah, I think that's fair.

6 Q. Okay. Did you have any role in
7 drafting this guide?

8 A. I was generally involved in this
9 project, but I don't think any of the language
10 is my language here.

11 Q. Okay. Yesterday you testified you
12 worked with the National PTA as a sponsor;
13 correct?

14 A. Yes, that's correct.

15 Q. Okay. Let's go to page 5 of the
16 document. This is Bates ending 654.

17 Do you see a chart on the
18 right-hand side that talks about different
19 settings in Family Pairing?

20 A. Yes, I see that chart.

21 Q. Okay. And the first setting
22 listed is "Screen Time Management"; right?

23 A. I see that, yes.

24 Q. It says "Decide how long your teen
25 can spend on TikTok each day"; right?

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1 decrease user attention?

2 MR. DRAKE: Object to form.

3 THE WITNESS: I'm not aware
4 of those studies.

5 BY MR. RYDER:

6 Q. Are you concerned that you're not
7 aware of studies being conducted about the
8 effects of screen time use?

9 MR. DRAKE: Object to form and
10 lacks foundation.

11 THE WITNESS: No, I'm not on
12 those teams. I'm not concerned.

13 BY MR. RYDER:

14 Q. If you learned that an internal
15 study showed that screen time limits do not
16 decrease TikTok's stay duration, is that
17 something you'd want to share with parents and
18 children who use TikTok?

19 MR. DRAKE: Object to form.
20 Foundation as well.

21 THE WITNESS: If I find
22 out -- found out about a study like that,
23 I'd want to know what we were doing to
24 continue to improve and iterate on the
25 product.

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1 MR. RYDER: Okay. TJ, if you
2 pull up tab R28 and mark this as the next
3 exhibit.

4 DOCUMENT TECH: Ebenstein 83.
5 (Document marked for
6 identification as TikTok-Ebenstein
7 Exhibit 83.)

8 MR. RYDER: Thank you.

9 BY MR. RYDER:

10 Q. Mr. Ebenstein, you should have a
11 document in front of you titled [A/B Analysis]
12 Screen Time Dashboard & Screen Time Breaks.

13 You see that?

14 A. Yes, I see that.

15 Q. Okay. I'll represent to you that
16 TikTok produced this document as part of your
17 custodial file.

18 Do you have any reason to dispute
19 that?

20 A. If you say so, no.

21 Q. Okay. And the metadata TikTok
22 produced says this document was created
23 September 27, 2021.

24 Do you have any reason to dispute
25 that?

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1 A. No.

2 Q. Okay. Do you see the Executive
3 Summary on the first page here?

4 A. Yes, I see that.

5 Q. Okay. And in bold underneath, it
6 says:

7 "We are providing users with a
8 dashboard, opt-in weekly notifications, and
9 opt-in break reminders for users who want to
10 better manage their time spent on TikTok."

11 Right?

12 A. Yes, I see that.

13 Q. So these are some of the screen
14 time tools we've been discussing TikTok offered
15 in Family Pairing; right?

16 A. I believe also offered outside of
17 Family Pairing, but yes.

18 Q. Okay. And underneath there's a
19 hypothesis; right?

20 A. Yes.

21 Q. Okay. And the hypothesis is:

22 "By providing these more valuable
23 tools and more broadly notifying users of our
24 screen time management offering, we will see an
25 increase in feature adoption and awareness."

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1 Right?

2 A. Yes, I see that.

3 Q. And there's nothing in the
4 hypothesis about users having a decrease in
5 screen time; correct?

6 MR. DRAKE: Object to form.

7 THE WITNESS: No, the
8 hypothesis references increasing feature
9 adoption and awareness.

10 BY MR. RYDER:

11 Q. And that would refer to feature
12 adoption and awareness of Family Pairing and,
13 like you, said these other screen tools that
14 might exist outside of Family Pairing; right?

15 A. That's correct.

16 Q. Okay. And then there's a heading
17 underneath that says "Expectations Met" with a
18 checkmark.

19 You see that?

20 A. Yes, I do.

21 Q. Okay. And it notes:

22 "Slight drop in stay duration
23 (-0.07%) as we expected, but no impact to other
24 core metrics (retention, publish, active days)."

25 Did I read that correctly?

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1 A. Yes, you did.

2 Q. And then it notes that:

3 "This aligns with leadership's
4 guidance (1) keep stay duration impact within a
5 reasonable threshold (2) no impact to
6 retention."

7 Did I read that correctly?

8 A. Yes, you did.

9 Q. And are you familiar with these
10 metrics -- strike that.

11 Are you familiar with the core
12 metrics listed in parentheses?

13 A. I've heard those terms before.
14 I'm familiar with them, yes.

15 Q. What does retention mean?

16 A. Remaining a user of the platform.

17 Q. What does publish mean?

18 A. Produce content.

19 Q. And what does active days mean?

20 A. Days active on the platform.

21 Q. Okay. So it's saying those
22 metrics were not impacted by the rollout of
23 these screen time tools in 2021; right?

24 MR. DRAKE: Object.

25 THE WITNESS: Correct.

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1 BY MR. RYDER:

2 Q. Do you know who leadership would
3 be when it refers to this alignment of
4 leadership's guidance?

5 A. I don't. I don't know who -- who
6 wrote the doc or which leadership they'd be
7 referring to. It wasn't me.

8 Q. Okay. And then there's a
9 sub-bullet point below that says:

10 "An explanation for no correlation
11 with L1+2 is that minors do not have executive
12 function to control their screen time, while
13 young adults do (this is supported by our
14 partners at Stanford Brainstorm)."

15 Did I read that correctly?

16 A. Yes, you did.

17 Q. And based on the chart we looked
18 at in a previous exhibit, L1 refers to kids who
19 are 13 through 15; right?

20 A. That sounds correct.

21 Q. And L2 is kids who are 16 through
22 17?

23 A. I believe so, yes.

24 Q. So combined, is your understanding
25 this is referring to kids 17 and under -- strike

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1 that -- is it referring to kids 13 through 17?

2 A. I believe so, yes.

3 Q. Okay. Are you aware of whether
4 TikTok ever published these results?

5 A. I'm not aware, no.

6 Q. And do you know whether TikTok
7 shared these results with groups like the
8 National PTA or FOSI?

9 A. Not to my knowledge, no.

10 Q. Do you know whether TikTok has
11 publicly recognized that minors do not have
12 executive function to control their screen time?

13 MR. DRAKE: Object to form.

14 THE WITNESS: I'm not aware
15 if that's been discussed publicly.

16 BY MR. RYDER:

17 Q. But it is noted in this document;
18 correct?

19 MR. DRAKE: Object to form.

20 THE WITNESS: Sorry. What's
21 noted in this document?

22 BY MR. RYDER:

23 Q. That minors do not have executive
24 function to control their screen time?

25 MR. DRAKE: Object to form.

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1 A. Yes, that's correct.

2 Q. You talk to parents about TikTok;
3 correct?

4 A. Yes, that's correct.

5 Q. And you also talk to teachers and
6 school administrators about TikTok; right?

7 A. Occasionally, yes.

8 Q. Okay. And you talk to some of
9 these external stakeholders about TikTok's
10 safety features; right?

11 A. Yes, I do.

12 Q. And that would include Family
13 Pairing; right?

14 A. Yes.

15 Q. And TikTok has other employees
16 that also talk to external stakeholders about
17 TikTok's safety tools; right?

18 A. Yeah. We have a large Trust &
19 Safety team, in addition to the Public Policy
20 team that I sit on.

21 Q. Okay. I think yesterday we
22 confirmed you started working for TikTok in
23 2019; is that right?

24 A. That's correct.

25 Q. Okay. Since you started working

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1 for TikTok in 2019, can you recall any time when
2 TikTok told the public that TikTok use may be
3 addictive for teens?

4 MR. DRAKE: I'll object to
5 form. Lacks foundation.

6 THE WITNESS: I don't recall
7 any communications like that.

8 BY MR. RYDER:

9 Q. Okay. Can you recall any time
10 that TikTok told the public that TikTok may be
11 associated with compulsive social media use?

12 MR. DRAKE: Object to form and
13 foundation.

14 THE WITNESS: I don't recall
15 any communications like that.

16 BY MR. RYDER:

17 Q. Can you recall any time when
18 TikTok told the public that using TikTok may
19 pose an increased risk of anxiety?

20 MR. DRAKE: Object to form and
21 foundation.

22 THE WITNESS: I don't recall
23 any communications like that.

24 BY MR. RYDER:

25 Q. Can you recall any time when

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1 TikTok told the public that using TikTok may
2 pose an increased risk of depression?

3 MR. DRAKE: Object to form.
4 Lacks foundation.

5 THE WITNESS: I don't recall
6 any communications like that.

7 BY MR. RYDER:

8 Q. Can you recall any time when
9 TikTok told the public that using TikTok may
10 pose an increased risk of engaging in self-harm?

11 MR. DRAKE: Object to form.
12 Lacks foundation.

13 THE WITNESS: I don't recall
14 any communications like that.

15 BY MR. RYDER:

16 Q. Can you recall any time when
17 TikTok told the public that using TikTok may
18 pose an increased risk of a user attempting
19 suicide?

20 MR. DRAKE: Object to form.
21 Lacks foundation.

22 THE WITNESS: I don't recall
23 any communications like that.

24 BY MR. RYDER:

25 Q. Can you recall any time when

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1 TikTok told the public that using TikTok may
2 pose an increased risk of obtaining an eating
3 disorder?

4 MR. DRAKE: Object to form.
5 Lacks foundation.

6 THE WITNESS: I don't recall
7 any communications like that.

8 BY MR. RYDER:

9 Q. Can you recall any time when
10 TikTok told the public that using TikTok may
11 pose an increased risk of having body
12 dysmorphia?

13 MR. DRAKE: Object to form.
14 Lacks foundation.

15 THE WITNESS: I don't recall
16 any communications like that.

17 BY MR. RYDER:

18 Q. Can you recall any time when
19 TikTok told the public that using TikTok may
20 pose a risk that a child will be sexually abused
21 by a third party?

22 MR. DRAKE: Object to form.
23 Lacks foundation.

24 THE WITNESS: I don't recall
25 any communications like that.

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1 BY MR. RYDER:

2 Q. Can you recall any time when
3 TikTok told the public that TikTok may be
4 associated with any type of harm to teen users?

5 MR. DRAKE: Object to form.
6 Lacks foundation.

7 THE WITNESS: I don't recall
8 any communications like that.

9 BY MR. RYDER:

10 Q. Switch gears a little bit. Go
11 back to Lark.

12 You mentioned yesterday that Lark
13 is one of the primary methods of communication
14 for TikTok employees; right?

15 A. Yes.

16 Q. You used --

17 MR. DRAKE: Mr. Ryder,
18 we're -- we're over 1:00 now on the East
19 Coast. So we're going -- we're going to
20 need to pause if we could sometime very
21 soon to take a lunch break.

22 MR. RYDER: No. Yeah, I
23 appreciate that, Geoff. I have -- I
24 mean, I don't know how much you have in
25 terms of redirect. I think I maybe have

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CERTIFICATE OF REPORTER

DISTRICT OF COLUMBIA)

I, Denise Dobner Vickery, a
Registered Court Reporter and Notary Public of
the District of Columbia, do hereby certify that
the witness was first duly sworn by me.

I do further certify that the
foregoing is a verbatim transcript of the
testimony as taken stenographically by me at the
time, place and on the date herein set forth, to
the best of my ability.

I do further certify that I am
neither a relative nor employee nor counsel of
any of the parties to this action, and that I am
neither a relative nor employee of such counsel,
and that I am not financially interested in the
outcome of this action.



DENISE DOBNER VICKERY, CRR, RMR
Notary Public in and for the
District of Columbia

My Commission expires: March 14, 2028