

AMENDED Exhibit 492

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. 4:22-md-03047-YGR
MDL No. 3047

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

This Document Relates to:

ALL ACTIONS

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

Judicial Council Coordination Proceeding
No. 5255
Judge: Carolyn B. Kuhl
Dept. 12

Coordination Proceeding
Special Title (Rule 3.550)

SOCIAL MEDIA CASES

THIS DOCUMENT RELATES TO:
ALL ACTIONS

DEPOSITION OF: VICTORIA McCULLOUGH (TikTok)
*** HIGHLY CONFIDENTIAL ***
FEBRUARY 19, 2025

1 question. Can you repeat that one more time?

2 Q. So acknowledging Counsel's objection,
3 if I ask you a question about TikTok and your
4 response only applies to ByteDance, will you
5 attempt to clarify that in your answers?

6 A. I will.

7 MR. RYDER: And we can put that Exhibit
8 aside. Let's pull up Tab 2, and we'll mark
9 this as Exhibit 2.

10 (Exhibit 2 was marked.)

11 BY MR. RYDER:

12 Q. Ms. McCullough, let me know when you've
13 had a chance to review. This is a copy of your
14 work history that TikTok's attorneys provided to
15 us. Let me know when you've had a chance to
16 review.

17 A. Okay. Okay. I've reviewed.

18 Q. Is this an accurate representation of
19 your work history at TikTok?

20 A. It is.

21 Q. And when did you start working for
22 TikTok?

23 A. In -- yes. In February, early February
24 of 2021.

25 Q. Okay. And I ask because I saw that

1 note, and that looked right to me. I'm going to
2 direct your attention to -- do you see the bullet
3 point that says Department(s) about midway through
4 on the first page?

5 A. Yes, I do see that.

6 Q. Okay. And in the first bullet point
7 there there's a reference to three different
8 entities with an Outreach Partnership Management.
9 At the very end it notes a start date of
10 July 13th, 2020.

11 Do you see that?

12 A. I do see that.

13 Q. Is that an accurate representation of
14 when you started working for TikTok?

15 A. That is not accurate.

16 Q. Okay. So you did start working for
17 TikTok in February of 2021, correct?

18 A. That's correct.

19 Q. Okay. So that -- so February 2021
20 would be the correct start date kind of replacing
21 that July 2020 reference there in that first
22 bullet point, is that correct?

23 A. That's correct.

24 Q. Okay. And, again, you see in that kind
25 of first bullet point under Department it lists

1 Trust and Safety Bay Product Policy, Outreach
2 Partnership Management.

3 Do you see that?

4 A. I do see that.

5 Q. And references to T&S refer to Trust
6 and Safety, right?

7 A. That's correct.

8 Q. Okay. What does Bay refer to?

9 A. This was -- this was early in my time
10 here. But we were -- the team was essentially
11 divided by regional area, and so at the time our
12 -- it was basically a hub -- we called it hubs at
13 the time, and I was part of the Americas hub,
14 which was based out of the Bay, San Francisco Bay
15 area.

16 Q. Okay. So any reference to Bay or Bay
17 hub would refer to TikTok employees in the
18 Americas, is that correct?

19 A. I believe so at that time.

20 Q. Okay. And then the next department
21 listed after that is Trust and Safety Product
22 Policy, Outreach Partnership Management, Bay, is
23 that correct?

24 A. That's correct.

25 Q. Okay. And then the third listed there

1 is Trust and Safety Product Policy, Outreach
2 Partnership Management, Americas, correct?

3 A. Yes. That's correct.

4 Q. Okay. And so those are kind of three
5 distinct teams within Trust and Safety, is that
6 fair?

7 A. They are not. I believe this is more
8 of a reflection of -- as the -- as the team
9 evolved and was built, we were all still a part of
10 the same team, but I think they were changed --
11 they just changed the name over -- over time I
12 think to -- to be more reflective of the work.

13 So this looks to be more of different
14 references throughout my four years here in which
15 this team was called, but it was essentially the
16 same, the same team the whole time.

17 Q. Okay. And I know we already talked
18 about that start date there being incorrect, that
19 July 2020 is not your start date.

20 Do you still work for Trust and Safety,
21 Outreach Partnership Management? Is that
22 reference to present accurate?

23 A. I -- I still work in Trust and Safety
24 Outreach and Partnerships. However, I work now
25 and started last year on the TikTok US Data

1 Security Team managing their Outreach in
2 Partnerships for Trust and Safety.

3 Q. Then the second point below lists:
4 Trust and Safety Product Policy, Outreach
5 Partnership Management, Americas.

6 Do you see that?

7 A. I do see that.

8 Q. Again, kind of under that same
9 qualification, would you say this is just a
10 different articulation of the team that you're
11 working for evolved, is that right?

12 A. That's correct.

13 Q. Okay. Do you think the start and end
14 dates listed there in that second bullet point are
15 correct?

16 A. Yes. That seems to be reflective of
17 the April 20 -- yeah, April 20th date seems
18 reflective of my -- my last day with that team
19 before I moved over to US Data Security.

20 Q. Okay. And then like you said that last
21 bullet point, US Data Security Trust and Safety
22 you started working there in April of 2024,
23 correct?

24 A. That's correct.

25 Q. Okay. And you still work there today,

1 correct?

2 A. I do.

3 Q. Okay. Since February of 2021, has
4 there been any period where you were not a TikTok
5 employee?

6 A. There has not been.

7 Q. And why did you join the US Data
8 Security team?

9 A. Yes. It was a -- it was a new
10 opportunity. The -- the head of my current
11 manager, Susie Loftus, was a teammate of mine on
12 the former Trust and Safety -- the Trust and
13 Safety team that I was a part of before, and I
14 just really valued her leadership.

15 And when she moved over to US Data and
16 Security, there was an opportunity to be able to
17 go and work for her and essentially start this
18 Outreach and Partnerships function within US Data
19 Security, so that's the opportunity I was seeking
20 out at the time.

21 MR. RYDER: You can take that exhibit
22 down.

23 BY MR. RYDER:

24 Q. Ms. McCullough, do you think it's
25 important to protect kids who use TikTok?

1 disorder eating content on the platform. So
2 that's, again, kind of where -- the scope of our
3 team.

4 MR. RYDER: You can set that aside.
5 Let's pull up Tab 12, and we'll mark this as
6 Exhibit I think this is 6.

7 THE EXHIBIT TECH: Six, correct.

8 MR. RYDER: Six. Okay. Thank you.

9 (Exhibit 6 was marked.)

10 BY MR. RYDER:

11 Q. Ms. McCullough, this is a demonstrative
12 showing the images from the TMZ article we just
13 looked at with stills from some of her videos. Do
14 you see that?

15 A. Yes. It's just -- it's one -- one
16 page, is that right, what we're looking at?

17 Q. Currently, yes.

18 A. Okay. Okay. Yes. I see that here.

19 Q. Okay. And in an earlier message [REDACTED]
20 [REDACTED] referred to this account as a problematic
21 eating disorder account, right?

22 A. Yes. I believe she did.

23 MR. RYDER: Okay. And, Vince, if you
24 click through, you should be able to view the
25 message that was sent, and this was from

1 Exhibit 4.

2 Q. Do you see that?

3 A. Yes. I do see that.

4 Q. And again write: Another TikTok
5 employee is calling this a problematic eating
6 disorder account reflecting that the account is
7 managed by TikTok and part of TikTok's creator
8 fund, right?

9 A. Yes. That's what it says here.

10 MR. RYDER: And, Vince, let's go back
11 to Exhibit 4.

12 Q. And, Ms. McCullough, if you're looking
13 at a separate version, this was the chat between
14 you and [REDACTED] Let me know when you
15 have that back in front of you.

16 A. Okay. I'm back there.

17 Q. Okay. And I'm going to direct your
18 attention to Page 4, so this is the Bates ending
19 in 3465. Let me know when you're there.

20 A. Okay. I'm there.

21 Q. Okay. And so we were just looking at
22 this chat, right?

23 A. Yes.

24 Q. And in your second message you send the
25 link to [REDACTED] with the TMZ article that

1 included the images we were just looking at,
2 right?

3 A. Yes. That's correct.

4 Q. Okay. And in response to the TMZ
5 article [REDACTED] says: Jesus, right?

6 A. Yes. He does.

7 Q. Okay. And he goes on to say: So many
8 questions, but I see the challenge. I suppose it
9 doesn't qualify as SGC or highly imitable
10 dangerous conduct, right?

11 A. Yes. That's what he says.

12 Q. And what does SGC mean?

13 A. It stands for shocking and graphic
14 content.

15 Q. And can you explain to the jury what
16 kind of content would qualify as shocking and
17 graphic content?

18 A. In my time I didn't network as closely
19 on this but -- around this particular issue area.
20 But from what I understand, this could mean things
21 like blood or gore or -- it's -- yeah, any -- any
22 kind of content that sort of has those types of
23 violent characteristics, that kind of thing, it
24 could -- it could qualify as shocking and graphic
25 content under our community guidelines.

1 Q. Okay. And so [REDACTED] is saying his
2 view is it doesn't fall under that category,
3 right?

4 A. That seems to be what he's saying here.

5 Q. Okay. And he goes on to say, quote:
6 In any case it seems we should divest monetarily.
7 If it doesn't violate our guidelines, what about
8 that other group - feed integrity or something
9 like that?

10 Did I read that correctly?

11 A. That's what it looks like he says here,
12 yes.

13 Q. When he's saying: "We should divest
14 monetarily," he's referring to TikTok, right?

15 A. Yes, I believe so.

16 Q. Okay. So this would be to stop
17 providing Ms. Cooney with funding from the creator
18 fund, right?

19 A. I believe so, yes.

20 Q. Okay. And in response to [REDACTED]
21 you say: Sharing the memo, [REDACTED] and
22 [REDACTED] worked on.

23 Do you see that?

24 A. Yes. I do see that

25 MR. RYDER: Let's actually pull that

1 up, so this is going to be Tab 13, and we'll
2 mark this as Exhibit 7.

3 (Exhibit 7 was marked.)

4 BY MR. RYDER:

5 Q. And let me know when you've had a
6 chance to review this.

7 A. Okay. Okay. I've finished reading the
8 document.

9 Q. Okay. So it is a document titled:
10 Justification to Remove Eugenia Cooney from
11 Creator Fund/TikTok Management.

12 Do you see that?

13 A. I see that.

14 Q. Do you recognize this document?

15 A. I do. I -- I -- yes, I do. I think --
16 don't remember a lot of details, but I remember
17 when -- why we drafted this.

18 Q. Okay. You can see there the authors
19 are members of your team, we discussed them, [REDACTED]
20 [REDACTED] is
21 that right?

22 A. Yes. It looks like it.

23 Q. Okay. And these are all -- you can see
24 their titles. Two of them are members of the
25 Outreach Partnership Management team, right?

1 A. Yes. They were.

2 Q. And then it looks like [REDACTED]
3 worked for the Mental Health Policy -- or she's a
4 Mental Health Policy Specialist from North
5 American Regional Policy, is that right?

6 A. Yes. That's correct.

7 Q. Okay. So if we look at Page 1 in the
8 Executive Summary, you can see it's discussing
9 removing Ms. Cooney as a creator -- a managed
10 creator. Do you see that?

11 A. Excuse me. Yes. I do see that.

12 Q. Okay. And it links to her TikTok
13 account and calls her a, quote: Controversial
14 influencer who is widely known in the eating
15 disorder community for having anorexia nervosa, is
16 currently a part of TikTok's creator fund and has
17 been a managed creator for the past three months.
18 Did I read that correctly?

19 A. Yes. It looks like that's what it says
20 there.

21 Q. Okay. It goes on to say that she has
22 participated in the official TikTok live battle -
23 Road to Superstar about five times so far.

24 Is that right?

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

1 Q. Do you know what the TikTok live battle
2 - Road to Superstar is?

3 A. I don't. This is the area where I
4 don't remember -- I don't remember this part. No.
5 I don't know what the Road to Superstar is.

6 Q. And it goes on to say that: Most of
7 the controversy surrounding this creator stems
8 from her historical and current struggle with
9 anorexia nervosa which has resulted in an
10 extremely thin appearance.

11 Did I read that correctly?

12 A. Yes. That's what it says.

13 Q. Okay. And then if we go to the next
14 page, Page 2 of the document, there's a heading
15 that says: Risks with Keeping her Account
16 Managed.

17 Do you see that?

18 A. Yes. I do see that.

19 Q. Okay. And it goes on to say that: Her
20 account has only been managed for three months and
21 we have already received a PR inquiry about this
22 from the Washington Post.

23 Did I read that correctly?

24 A. Yes. That's what it says.

25 Q. And, again, the "we" is referring to

1 TikTok, right?

2 A. I believe so.

3 Q. Okay. So that means TikTok would have
4 received inquiry from the Washington Post, right?

5 A. Yes.

6 Q. Okay. And so if the earlier messages
7 we saw about this were in October, then TikTok
8 would have been managing her account since around
9 July of 2023, right?

10 A. Yes. I believe so.

11 Q. Okay. The document goes on to say:
12 Media coverage around TikTok's decision to manage
13 and profit from Eugenia's account could lead to a
14 negative news and reputational news cycle around
15 eating disorders, mental health and youth safety.

16 Did I read that correctly?

17 A. Yes. That's what it says.

18 Q. Okay. And then if we go to the next
19 page, do you see that top paragraph is one bullet
20 point and it's kind of the last entry of this
21 section. Do you see that?

22 A. Yes. I do see that.

23 Q. Okay. It says: Additionally, based
24 upon the appearance of the creator and media
25 reports on her health, it appears that she is high

1 risk of death from her anorexia nervosa.

2 Did I read that correctly?

3 A. Yes. That's what it says.

4 Q. Okay. Do you see the last sentence in
5 this paragraph starting with "highlighting"?

6 A. Yes. I do see that.

7 Q. Yeah. Can you please read that
8 sentence to the jury?

9 A. Sorry. Will you say that one more
10 time? Just is it that last sentence that
11 you're --

12 Q. Yeah. The last sentence starting in
13 the word "highlighting," highlighting her account,
14 do you see that?

15 A. Yes. Yes. Starting there.

16 Q. Okay. So I'm going to ask you to read
17 that sentence to the jury, please.

18 A. Okay. Highlighting her account to grow
19 her following may invite more harm to users in the
20 case of her death.

21 Q. Okay. And then in the next section it
22 provides some more information about her, and it
23 calls her -- it says, quote: She is one of the
24 most polarizing figures on the internet due to her
25 known eating disorder.

1 Did I read that correctly?

2 A. Yes. That's what it says.

3 Q. And it notes that: She started her
4 social media journey on YouTube but has a presence
5 on Instagram, YouTube, Discord and TikTok, right?

6 A. Yes. That's what it says.

7 Q. Okay. And it links to her TikTok
8 account, right?

9 A. Yes. It appears to.

10 Q. Okay. Then if we go down to the next
11 heading do you see it says: Eugenia Cooney's
12 TikTok?

13 A. Yes. I see that.

14 Q. And at this point in time she has
15 2.6 million followers, right?

16 A. Yes. That's what it says.

17 Q. And it notes that her account has been
18 reported over 80,000 times, correct?

19 A. Yes. That's what it says.

20 Q. And then if we go to the next page, so
21 this is Page 4 of the document, there's a heading
22 that says: External Expert Feedback.

23 Do you see that?

24 A. Yes. I do.

25 Q. Okay. And it notes that: We regularly

1 get feedback from both our US Eating Disorder
2 Organizations, the National Eating Disorder
3 Association, NEDA, as well as other international
4 partners about Eugenia Cooney's account.

5 Did I read that correctly?

6 A. Yes. That's what it says.

7 Q. Okay. And then if you go down another
8 two bullet points it states: It has been
9 recommended that her account be age gated, not
10 recommended, and has advised us to prepare
11 tailored resources in the very realistic case of
12 her succumbing to her eating disorder due to her
13 large following online.

14 Did I read that correctly?

15 A. That's what it says. Yes.

16 Q. And then the next point goes on to say:
17 Her account triggers patients daily and her name
18 is used in call centers around the United States,
19 specifically coming from TikTok calling into The
20 Alliance's helpline.

21 Did I read that right?

22 A. Yes. That's what it says.

23 Q. Okay. What is The Alliance helpline?

24 A. The Alliance is one of TikTok's Trust
25 and Safety's eating disorder partners. I think

1 their full organization name is maybe The Alliance
2 Against Eating Disorders, so but they go by The
3 Alliance for short.

4 Q. Okay. So people were seeing TikTok
5 posts from Ms. Cooney who is managed by TikTok and
6 calling into this helpline for help with her
7 eating disorders, right?

8 A. That's what I remember. [REDACTED] who
9 managed that relationship, I remember her saying
10 that The Alliance had been sharing those updates,
11 yes. And it's obviously here in the document,
12 too.

13 Q. Okay. And then the next point says:
14 TikTok has confirmation that Eugenia's account
15 triggers those recovering from or actively
16 struggling with an eating disorder and that if her
17 account is surfaced by anyone, but especially a
18 young person, it could influence or inspire them
19 to explore how to look similar or develop
20 disordered eating.

21 Did I read that correctly?

22 A. That's what it says here. Yes.

23 Q. Okay. And then do you see the next
24 section has a heading: YSW Expert Feedback.

25 Do you see that?

1 A. Yes. I do see that.

2 Q. Okay. I know we discussed this a while
3 ago, but YSW means youth safety and well-being,
4 right?

5 A. That's correct.

6 Q. Okay. So in the second bullet point
7 here it reads: In consultations with TikTok
8 partner Digital Wellness Lab, Dr. Michael Rich
9 (Pediatrician at Boston Children's Hospital)
10 TikTok has been cautioned about the
11 accessibility/normalization of eating disorder
12 content, and its impacts on this type of content
13 on kids and teens. Dr. Rich pointed out that
14 anything content that equates weight loss with
15 health is potentially problematic. Dr. Rich also
16 pointed out how for youth/minors, eating
17 disorder-related content might make it seem like
18 normative behavior to lose weight.

19 Did I read that correctly?

20 A. That's what it says here.

21 Q. Okay. And then if we go to the next
22 page there's another bullet point that references
23 Dr. Bryn Austin. Do you see that?

24 A. Oh, I see that here. Okay.

25 Q. And it says: Dr. Austin is an

1 epidemiologist and behavioral scientist-Professor
2 of Pediatrics at the Harvard Medical School,
3 right?

4 A. Yes. That's what it says.

5 Q. Okay. And if we go down about halfway
6 through that paragraph you'll see it says: During
7 an eating disorder - youth safety day, Dr. Austin
8 suggested that TikTok should incorporate warning
9 labels (access to help lines, etc.) in eating
10 disorder-like content, right?

11 A. Yes. That's what the document says. I
12 -- yes. That's what it says.

13 Q. Okay. And then it goes on to say:
14 Lastly, in particular for teens and younger users,
15 Dr. Bryn suggested that promoting and having
16 accessibility to eating disorder content on teen's
17 FYP is "more likely to cause harm".

18 Did I read that right?

19 A. Yes. That's what it says.

20 Q. And FYP means For You Page, correct?

21 A. Yes.

22 Q. When TikTok collected this feedback
23 from these experts, did the experts know that
24 Ms. Cooney was a managed creator with TikTok?

25 A. I -- this was [REDACTED] on the Trust and

1 Outreach team for Trust and Safety. So we're --
2 we're here just to serve the user and creator
3 community and make sure we're bringing in those
4 voices.

5 So I think in some way I know that
6 TikTok is -- is really striving to take safety
7 seriously, but I also think that the fact that our
8 team exists in the way that it does, sort of
9 really signals that we're eager -- eager to learn
10 from those who can really help us make the user
11 experience safer.

12 MR. COWAN: Thank you for your time
13 today. I'll -- I'll pass the witness for
14 now.

15 THE VIDEOGRAPHER: Can we go off the
16 record and switch?

17 MR. COWAN: Let's go off the record and
18 switch.

19 THE VIDEOGRAPHER: Off record 1:33 p.m.
20 (Thereupon, a break was taken.)

21 THE VIDEOGRAPHER: On record 1:40 p.m.

22 MR. RYDER: Welcome back,
23 Ms. McCullough.

24 Vince, can we pull up Exhibit 6 which
25 is the demonstrative and can we click through

1 to the second page so it has the Lark chat?

2 There we go.

3 REDIRECT EXAMINATION

4 BY MR. RYDER:

5 Q. Ms. McCullough, can you see the image
6 we looked at before?

7 A. Yes. Yes. I see that.

8 Q. Okay. And, again, these are images
9 that were pulled from the TMZ article you shared
10 with [REDACTED] right?

11 A. Yes. I believe so.

12 Q. Okay. And, again, Ms. Cooney's account
13 was managed by TikTok, right?

14 MR. COWAN: Object to form.

15 A. That's my understanding, yes.

16 Q. Okay. And earlier we discussed about
17 TikTok's justification for divesting her from
18 money from the creator fund, right?

19 A. Yes. That's what the -- the document
20 we walked through is about, yes.

21 Q. Okay. Which means that TikTok was
22 paying her at the time, right?

23 MR. COWAN: Object to form.

24 A. Yes. I believe so.

25 Q. And TikTok never told its eating

1

2 I, JANINE N. LEROUX, Court Reporter and
3 Notary Public, certify that the facts stated in
4 the caption hereto are true, and that at the time
5 and place stated in said caption the witness named
6 in the caption hereto remotely appeared before me.

7 I further certify that after being duly
8 sworn by me the witness was examined by counsel
9 for the parties, and that said testimony was taken
10 in stenotype by me and later reduced to
11 computer-aided transcription, and that the
12 foregoing is a true record of the testimony given
13 by said witness.

14 The foregoing deposition has been
15 submitted to the witness for reading and signing.

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JANINE LEROUX - COURT REPORTER
NOTARY PUBLIC

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