

AMENDED Exhibit 697

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

Amber Miller Burchell

1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA)
ADOLESCENT ADDICTION/PERSONAL)
INJURY PRODUCTS LIABILITY) MDL No. 3047
LITIGATION)
_____)
THIS DOCUMENT RELATES TO:)
ALL ACTIONS)

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

COORDINATION PROCEEDING)
SPECIAL TITLE [RULE 3.550])
_____) JCCP No. 5225
SOCIAL MEDIA CASES)
_____) Judge:
THIS DOCUMENT RELATES TO:) Carolyn B.
ALL ACTIONS) Kuhl, Dept. 12

WEDNESDAY, DECEMBER 18, 2024

CONFIDENTIAL - ATTORNEYS' EYES ONLY -
PURSUANT TO PROTECTIVE ORDER

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Videotaped deposition of Amber
Renee Miller Burchell, held at the offices of
Bradley, 1221 Broadway, Suite 2400,
Nashville, Tennessee, commencing at 9:03 a.m.
Central, on the above date, before Carrie A.
Campbell, Registered Diplomate Reporter,
Certified Realtime Reporter, Illinois,
California & Texas Certified Shorthand
Reporter, Missouri, Kansas, Louisiana & New
Jersey Certified Court Reporter.

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1 behalf of the Plaintiffs, as follows:

3 DIRECT EXAMINATION

4 QUESTIONS BY MR. WEINKOWITZ:

5 Q. Good morning, Mrs. Burchell.
6 My name is Mike Weinkowitz. We are here to
7 take your deposition today under oath.

8 Do you understand that?

9 A. Yes.

10 Q. And I want to introduce you to
11 my colleague, Betsy Sugar. She's in the
12 room. She will be handing you exhibits.

13 Okay?

14 A. Thank you.

15 Q. Please -- you're welcome.
16 Please state your full name for
17 the record.

18 A. Amber Renee Miller Burchell.

19 Q. And is your current address

20 [REDACTED]?

21 A. Yes.

22 Q. And what is your current phone
23 number?

24 A. [REDACTED]

25 Q. And your date of birth, please?

1 employment at TikTok.

2 Okay?

3 You have a LinkedIn profile,
4 correct?

5 A. Yes.

6 (Burchell Exhibit 2 marked for
7 identification.)

8 QUESTIONS BY MR. WEINKOWITZ:

9 Q. All right. Can we pull up
10 tab -- Tab A?

11 I will represent -- and we're
12 going to mark this as Exhibit 2. I'll
13 represent to you that maybe a month ago, a
14 few weeks ago, I downloaded this off of
15 LinkedIn.

16 Does this appear to be your
17 LinkedIn profile?

18 A. Yes.

19 Q. Did you create your LinkedIn
20 page?

21 A. Yes, I did.

22 Q. Is everything on it accurate?

23 A. Yes.

24 Q. Any changes you would want to
25 make now?

1 A. Any changes I would want to
2 make now?

3 Q. To make it accurate or is it --
4 is it -- {audio interruption}.

5 A. Sorry, can you repeat that?

6 Q. Yeah.

7 Are there any changes that you
8 would want to make to make it more accurate,
9 or is it accurate enough?

10 A. When did you pull this again?
11 You said three weeks ago?

12 Q. About three weeks ago, yeah.

13 A. I'm sure at the time it was --
14 it was fine.

15 (Burchell Exhibit 3 marked for
16 identification.)

17 QUESTIONS BY MR. WEINKOWITZ:

18 Q. Can you pull up Tab A1?

19 What we did is we took
20 information off of your LinkedIn profile, and
21 we created a timeline of your employment at
22 TikTok. I'd like to work through your
23 employment at TikTok and the positions and
24 verify that the information on this timeline
25 is accurate.

1 Okay?

2 A. Okay.

3 Q. All right. So let's focus on
4 that timeline. The top left corner, that's
5 your picture clipped from your LinkedIn
6 profile.

7 Correct?

8 A. Yes.

9 Q. And it looks as though from
10 your LinkedIn profile you started working at
11 TikTok in September of 2020.

12 Correct?

13 A. Correct.

14 Q. That's indicated on the -- on
15 the exhibit.

16 Right?

17 A. That -- that's what I'm
18 reading, yes.

19 Q. Okay. You currently work at
20 TikTok.

21 Correct?

22 A. Yes.

23 Q. Now, you've been working at
24 TikTok continuously for about four years? A
25 little over four years?

1 A. I've been working for TikTok
2 for four years.

3 Q. If we look at the area on the
4 exhibit that's shaded in blue, is it correct
5 that you were a user support associate for
6 about 11 months from September of 2020 to
7 about July of 2021?

8 A. Yes.

9 Q. And was -- if you look at the
10 green-shaded area on the exhibit, was your
11 next position social media support senior
12 associate?

13 A. Yes.

14 Q. And did you hold that position
15 for three months, from July 2021 until
16 September 2021?

17 A. Yes.

18 Q. In the green shading and the
19 blue shading on the exhibit are -- {audio
20 interruption}?

21 MR. DRAKE: Yeah, we're having
22 a problem again, Michael. I'm sorry.

23 QUESTIONS BY MR. WEINKOWITZ:

24 Q. The information regarding your
25 user support associate position and the

1 social media senior associate position on
2 this exhibit are accurate?

3 A. To my understanding, yes.

4 Q. Did you hear my question? I'm
5 not sure.

6 A. Yeah, I don't think you heard
7 my answer. I said, yes, to my understanding.

8 Q. Okay. I'm sorry, I didn't hear
9 your answer. I apologize.

10 Your next position in
11 September 2021, did you become USDS user
12 operation lead, young user and age assurance?

13 A. I became a user support lead.
14 USDS didn't exist at the time.

15 Q. So I took this from your
16 LinkedIn profile, directly off of it.

17 Is this inaccurate?

18 A. I am a USDS employee, so I
19 updated the title.

20 Q. Understood.

21 What does USDS stand for?

22 A. United States data security.

23 Q. Did you hold that position for
24 about three years until about August of 2024?

25 A. Yes.

1 Q. Was your next position, in
2 August of 2024, community risk control
3 manager at TikTok?

4 A. It started as community
5 engagement but was recently changed to
6 community risk control program manager.

7 Q. And that was a title change?

8 A. That was a title change. Title
9 change only.

10 Q. And did you -- and have you
11 been in that position since August of 2024?

12 A. Since August 12th, yes.
13 August 12, 2024.

14 Q. Is that the position you
15 currently hold?

16 A. Yes.

17 Q. I want to go back and ask you
18 some specific questions about each of the
19 positions that you held. Let's start with
20 the user support associate.

21 Am I correct that you were in
22 a -- in that position you were in a
23 department called TikTok USA operations?

24 A. Yes.

25 Q. And were your managers [REDACTED]

1 [REDACTED] and [REDACTED]?

2 A. Yes.

3 Q. Did you have any other managers
4 in that position?

5 A. In that position, not to my
6 recollection.

7 Q. In that position, did anyone
8 report to you?

9 A. I did not have any direct
10 reports in that position.

11 Q. Where did you physically work
12 in that position? Was it remote? Was it
13 hybrid? Did you go to an office?

14 A. During that position, it was
15 remote.

16 Q. And what did you do as a user
17 support associate?

18 A. As a user support associate, I
19 responded to user feedback.

20 Q. So just so that I understand
21 that, if a user or a user's family member,
22 parent, calls -- contacts TikTok, you were
23 one of the individuals on behalf of TikTok
24 that would respond to that inquiry?

25 A. Yes, I responded to user

1 inquiries.

2 Q. So your job was communicating
3 with TikTok users and their parents and
4 others who contacted TikTok.

5 Correct?

6 MR. DRAKE: Object to form.

7 THE WITNESS: I responded to
8 user inquiries. There were -- yes, I
9 responded to user inquiries. That's
10 correct.

11 QUESTIONS BY MR. WEINKOWITZ:

12 Q. So let's focus on your next
13 position, social media support senior
14 associate, that's shaded in green.

15 Was that a promotion for you?

16 A. Yes.

17 Q. Were you in the same
18 department, TikTok USA operations, in that
19 position?

20 A. Yes.

21 Q. Was your manager [REDACTED]?

22 A. Yes.

23 Q. Did you have any other managers
24 for that position?

25 A. I did not.

1 Q. Did anyone report to you in
2 that position?

3 A. I did not have any direct
4 reports.

5 Q. Where did you physically work?

6 A. Remote.

7 Q. Okay. What were your job
8 duties and responsibilities in that position?

9 A. We responded to user inquiries
10 made on our Twitter social support page.

11 Q. So you've had a social support
12 page that was on Twitter, and users and
13 parents of users could communicate with
14 TikTok through that page.

15 Correct?

16 A. Users on Twitter. So Twitter
17 users would DM or tag us, and we would
18 respond to them or their tweets.

19 Q. When you say "DM," you mean
20 direct message?

21 A. Direct message, private
22 message, yes.

23 Q. When you were responding to
24 those messages and those communications from
25 people outside of TikTok, you were responding

1 on behalf of TikTok.

2 Correct?

3 MR. DRAKE: Object to form.

4 THE WITNESS: I was working for
5 TikTok and responding from a TikTok
6 social media handle, yes.

7 QUESTIONS BY MR. WEINKOWITZ:

8 Q. You weren't responding on
9 behalf of yourself as Amber Miller. You were
10 responding as an employee for TikTok.

11 Correct?

12 A. I was responding as a TikTok
13 employee.

14 Q. Did you -- you may have
15 answered this.

16 Did you manage any employees in
17 that position?

18 A. I did not.

19 Q. Okay. In both of those
20 positions, both user support associate and
21 social media support senior associate, when
22 you were communicating with people outside of
23 TikTok, did you use any sort of standard
24 operating procedure to guide your
25 communications?

1 A. Would you please repeat that
2 question?

3 Q. Sure. If I can.
4 Focusing on your user support
5 associate position at TikTok and then your
6 subsequent social media support senior
7 associate, I'm looking at those two
8 positions. When you were communicating with
9 people, users, parents, family members,
10 outside of TikTok, were there standard
11 operating procedures that governed how you
12 were to communicate with those individuals?

13 A. So I answer this correctly, can
14 you define what you mean by "outside of
15 TikTok"?

16 Q. So if a user, anybody that
17 isn't employed from TikTok and is using
18 TikTok, or their family member or a third
19 party, like a principal or a teacher, if they
20 communicated to you in user support in those
21 two positions, did you have a standard
22 operating procedure that you followed in
23 responding to those individuals?

24 A. Gotcha.

25 Yes, we had SOPs that we

1 followed.

2 Q. Looking at your next position,
3 USDS user operations lead, young user and age
4 assurance, understanding that you amended
5 that to say that there was a title change.

6 You had that position for three
7 years until August of 2024.

8 Correct?

9 A. Yes.

10 Q. Was that a promotion for you?

11 A. I think you said was that a
12 promotion?

13 Q. Yes, I'm sorry.

14 Was that a promotion for you?

15 A. Yes, it was.

16 Q. Sorry about that. I don't know
17 what's going on with the audio.

18 A. That's okay.

19 Q. Were you initial -- in that
20 position, were you initially in TikTok USA
21 operations but then the department changed to
22 US data security, US TnS operations user
23 support operations?

24 A. I don't recall exactly when it
25 changed, but, yes, it -- the title of the

1 department did change at some point.

2 Q. Did it change more than once?

3 A. I believe so, yes, but I'm not
4 a hundred percent sure. But I do believe it
5 did.

6 Q. In that position, did you have
7 a series of four managers: [REDACTED],
8 then [REDACTED] then [REDACTED] then Andy
9 Tomlinson?

10 A. Yes, that sounds correct.

11 Q. Did you have any other managers
12 other than those?

13 A. Not to my recollection.

14 Q. Did anyone report to you in
15 that position?

16 A. Yes.

17 Q. Who reported to you?

18 A. In what time frame do you mean?

19 Q. Can you give me who reported to
20 you chronologically in the entire time frame?

21 A. It was about 20 people. It
22 might be a little hard for me to list them
23 all off.

24 Q. Let me read some names to you,
25 and tell me if they reported to you.

1 Okay?

2 A. That would be great. Thank
3 you.

4 Q. [REDACTED] Did he report to
5 you?

6 A. Yes.

7 Q. [REDACTED] -- and I'll spell this.
8 [REDACTED]?

9 A. Yes.

10 Q. [REDACTED] did she report
11 to you?

12 A. Yes.

13 Q. [REDACTED] did she report
14 to you?

15 A. Can you repeat that one?

16 Q. I'm sorry. [REDACTED]

17 A. Yes.

18 Q. [REDACTED]

19 A. Yes.

20 Q. Did he or she re -- [REDACTED]

21 [REDACTED], did he report to you?

22 A. Yes.

23 Q. [REDACTED], did he or she report
24 to you?

25 A. Yes.

1 Q. [REDACTED] ?
2 A. Yes.
3 Q. [REDACTED] ?
4 A. Yes.
5 Q. [REDACTED] ?
6 A. Yes.
7 Q. [REDACTED]
8 A. Yes.
9 Q. [REDACTED]
10 A. Yes.
11 Q. I'm sorry. [REDACTED]
12 A. Yes.
13 Q. [REDACTED] ?
14 A. Yes.
15 Q. [REDACTED]
16 A. Yes.
17 Q. [REDACTED]
18 A. Yes.
19 Q. [REDACTED] ?
20 A. Can you repeat that last one?
21 Q. It's [REDACTED], [REDACTED],
22 [REDACTED]
23 A. [REDACTED], yes.
24 Q. And [REDACTED] ?
25 A. Yes.

1 Q. Anybody else that we didn't
2 mention? I didn't mention?

3 A. To the best of my knowledge,
4 that sounds like the full list.

5 Q. Okay. And in the position of
6 US operations lead young user and age
7 assurance, where did you physically work?

8 A. It was a hybrid role. The
9 first part of that role was remote, and then
10 we went into office, I believe, in 2022.

11 Q. And where is the office
12 located?

13 A. In downtown Nashville.

14 Q. Can you describe your job
15 duties and responsibilities?

16 What did you do in that
17 position?

18 A. In my user support lead role?

19 Q. Yes.

20 A. My job was to ensure that my
21 team was following our processes correctly
22 for responding to underage users and making
23 sure that they were fulfilling their job
24 responsibilities.

25 Q. Did you have any responsibility

1 for drafting or putting together standard
2 operating procedures for those employees to
3 follow when they were communicating with
4 users, users' family members or others that
5 contacted TikTok?

6 A. Yes.

7 Q. Were you a primary author of
8 those SOPs?

9 MR. DRAKE: Objection. Form.

10 THE WITNESS: Which SOPs?

11 MR. WEINKOWITZ: What's the --
12 what's the objection, Geoff?

13 MR. DRAKE: It's over --

14 MR. WEINKOWITZ: What's wrong
15 with my --

16 MR. DRAKE: It's overbroad.
17 It's also vague.

18 QUESTIONS BY MR. WEINKOWITZ:

19 Q. How about -- I even forgot what
20 my question was. Hold on a second.

21 Disregard that. Let's just
22 move on.

23 (Burchell Exhibit 4 marked for
24 identification.)
25

1 QUESTIONS BY MR. WEINKOWITZ:

2 Q. I'm not sure if I marked the
3 timeline as Exhibit 3, but we'll mark that as
4 Exhibit 3.

5 Let's go to A2, Tab A2, which
6 we'll mark as Exhibit 4. This was produced
7 by the TikTok and ByteDance lawyers.

8 Is that your résumé?

9 A. It is.

10 Q. Top left corner says, "Last
11 updated: May 1, 2024."

12 Do you see that?

13 A. Yes.

14 Q. Is that when you last updated
15 this résumé?

16 A. Yes.

17 Q. Did you use this résumé for any
18 purpose?

19 A. I used this résumé when I
20 applied for my current role.

21 Q. And have you used this résumé
22 for applying for any positions outside of
23 TikTok?

24 A. This particular résumé, I have
25 not.

1 Q. Have you applied for positions
2 outside of TikTok?

3 A. I have before, but not in a
4 while. Not in a long time.

5 Q. I'm sorry, I didn't mean to cut
6 you off.

7 A. No, I'm sorry.

8 Q. Is everything on the résumé
9 true and accurate?

10 A. To the best of my knowledge,
11 yes.

12 Q. Is there anything that you
13 would change or correct?

14 A. Not at the moment.

15 Q. I've got a few questions for
16 you about the résumé.

17 If we look under Relevant
18 Experience, you have listed user support
19 lead, and you have that starting in
20 September 2020.

21 Is that accurate?

22 A. So for being a user support
23 lead for that particular role, I did not
24 start that role in September 2020, no.

25 Q. Okay. So why does that -- why

1 do you have that indicated -- strike that.

2 Why do you have user support
3 lead starting in September 2020 on your CV?

4 A. So this particular CV was used
5 for an internal role that I applied for. So
6 it's TikTok-ified, if you will. And I wanted
7 to highlight my most recent experience and my
8 relevant experience, which was being a user
9 support lead.

10 Q. Okay. And is that -- is that
11 the same reason why you don't have your other
12 positions listed here?

13 A. Yes, because -- since I was
14 applying for a role internally, they would --
15 they would have that information and know
16 that.

17 Q. Do the bullet points that you
18 have under Relevant Experience accurately
19 reflect what you did at TikTok in -- as a
20 user support lead?

21 A. To the best of my knowledge,
22 yes.

23 Q. Okay. A couple of these bullet
24 points I want to ask you.

25 The first one says, "Manage

1 day-to-day operations for ten high-performing
2 associates, with overarching team of 30,
3 specializing in young user, under 18,
4 escalations and business account inquiries."

5 Did I read that correctly?

6 A. Yes, you read that correctly.

7 Q. What did you mean by
8 "specializing in younger user, under 18,
9 escalations"?

10 A. So our team -- our team, our
11 queue in user support, was called the younger
12 users' queue.

13 Q. What do you mean by
14 "escalations"?

15 A. Escalations could mean case
16 inquiries. It's a fancy word for case
17 inquiries.

18 Q. Can you describe to the jury
19 what you mean? What a case inquiry is?

20 A. A case inquiry is when a user
21 submits feedback to the user support team.

22 Q. Okay. So when you say "user,"
23 that's somebody outside of TikTok that is a
24 user of the TikTok platform, and they submit
25 information to TikTok, and you're in the

1 organization that responds to the person.

2 Correct?

3 A. Well, not -- you know, we use
4 the term "user," but not everyone who submits
5 feedback is necessarily a TikTok user.

6 Q. Okay. So some people who
7 submit feedback could be the parent?

8 A. It could be the parent. Could
9 be -- could be anybody. Not necessarily --
10 it's not a parent or a user. It could be
11 anybody.

12 Q. Like the teacher of a TikTok
13 user, correct? They could submit an inquiry?

14 A. Sure. Yeah.

15 Q. Third bullet point,
16 "Cross-trained 100 individual specialists
17 within the user operation org to mitigate a
18 backlog, resulting in a volume reduction of
19 11.2 percent and an SLA increase from
20 13 percent to 90 percent in 30 days."

21 Do you see that?

22 A. Yes.

23 Q. What did this cross-training
24 involve? What was your --

25 A. Yeah. This particular

1 cross-training involved myself and my two
2 senior associates cross-training other
3 associates in user support on how to work
4 13-plus age verification cases and --
5 specifically.

6 Q. Did you ever train any
7 employees at TikTok on how to handle
8 parental -- parent inquiries about users who
9 were 13 to 17?

10 A. Did I train them on how to
11 handle those cases?

12 Q. (Nods head.)

13 A. Yes, I did train our team how
14 to handle parental inquiries.

15 Q. Number -- Item Number 5,
16 "Streamlined age assurance initiatives
17 alongside external stakeholders, COPPA, US
18 government, to ensure the process for
19 parental deletion requests and third-party
20 reports of under 13" -- "U13 users is
21 compliant."

22 Did I read that correctly?

23 A. Yes.

24 Q. Okay. And when you see U13,
25 it's what you-all mean -- {audio

1 interruption} -- in TikTok, U13?

2 A. I'm sorry, the audio is cutting
3 out again. Do you mind repeating that?

4 Q. Sure.

5 You have U13 there. That means
6 under 13, correct?

7 A. Correct.

8 Q. And when you write here,
9 "ensure the process for parental deletion
10 requests," what is that referring to?

11 A. The process for parental
12 deletion requests, that is referring to if a
13 parent writes in requesting the deletion of
14 their underage user's account, under 13.

15 Q. Okay. So you streamlined the
16 process for how to handle that, correct? Is
17 that what that bullet point means?

18 A. It means that I participated in
19 some projects for it. About it.

20 Q. But were you involved in
21 developing any standard operating procedures
22 for handling parental deletion requests?

23 A. Can you repeat that question
24 for me, please?

25 Q. Sure.

1 Were you involved in developing
2 any standard operating procedures for how to
3 handle parental deletion requests?

4 A. I was involved with helping
5 create SOPs on how my team needed to respond
6 to these parental deletion requests, yes.

7 Q. I want to shift gears now, and
8 I'd like to talk about how users, a parent, a
9 family member or a teacher or a principal,
10 can communicate with TikTok.

11 Okay?

12 A. Okay.

13 Q. If a user or a parent wants to
14 contact TikTok support, there are a few ways
15 to do it.

16 Right?

17 A. I want to note that I've not
18 been on the team since August, so not sure of
19 anything after August. But, yes, there are a
20 few different ways.

21 Q. You can only tell me what you
22 know, and if you want to just focus before
23 August, that's totally fine with me.

24 A. Okay.

25 Q. One of the ways a parent can

1 an exact date. It would have been maybe end
2 of last year.

3 MR. WEINKOWITZ: All right.

4 Let's take a quick break.

5 VIDEOGRAPHER: The time is
6 10:06 a.m., and we're off the record.

7 (Off the record at 10:06 a.m.)

8 VIDEOGRAPHER: The time is
9 10:19 a.m., and we're on the record.

10 QUESTIONS BY MR. WEINKOWITZ:

11 Q. I wish to go back for a minute.
12 I'm told that the user feedback work exhibit
13 that I questioned the witness about I did not
14 mark as Exhibit 6, so I want to mark that now
15 as Exhibit 6.

16 Okay. We're on the SOPs now.

17 Can you please hand the witness
18 Tab B and Tab B1?

19 And, Zach, can you please put
20 the front page of each of those side-by-side?

21 (Burchell Exhibits 7 and 8
22 marked for identification.)

23 QUESTIONS BY MR. WEINKOWITZ:

24 Q. Ma'am, I think you should have
25 in front of you two exhibits.

1 Could you just take your time,
2 review them and let me know when you're ready
3 for me to ask some questions?

4 A. Yes. Oh, my.

5 Q. We'll mark, while I'm doing
6 this, the first as Exhibit 7, and that is the
7 US User Support SOP: Younger Users/U12 {sic},
8 which is Bates TIKTOK3047MDL-004-00131967,
9 first Bates number.

10 The second I'm going to mark as
11 Exhibit 8. That's the USDS User Support SOP:
12 Younger Users, plus age appeals, and that's
13 at TIKTOK3047MDL-05600922470 first Bates.

14 Take your time. Let me know
15 when you're ready to go.

16 A. I'm ready.

17 Q. These are documents that were
18 produced to us in this litigation by TikTok
19 and ByteDance.

20 Any reason to dispute that,
21 ma'am?

22 A. No.

23 Q. Do you see that on both
24 Exhibit 7 and Exhibit 8 your name is on the
25 front of the documents?

1 A. I do see that.

2 Q. Would you agree with me that
3 both of these are business documents prepared
4 by you and your colleagues at TikTok?

5 Correct?

6 A. These are SOPs for TikTok, yes.

7 Q. Are these -- is it the regular
8 practice at TikTok to create, comment or use
9 these type of SOPs?

10 A. It is common to use SOPs.

11 Q. Is there any reason to believe
12 that the content of either of these documents
13 was altered in any way from how it existed in
14 TikTok's files?

15 A. Can you -- can you explain what
16 you mean by that or rephrase it?

17 Q. This is one of those things
18 that we have to ask.

19 So my question to you is, is
20 these are produced by TikTok and ByteDance to
21 us in this litigation.

22 Do you have any reason to
23 believe that these were changed in any way,
24 both -- you know, after they were sent to us?

25 A. Got it. I wouldn't be aware of

1 any of that, no.

2 Q. I'm going to ask those
3 questions just to check some boxes.

4 All right. So looking at the
5 first one, which is Exhibit 7, the title of
6 that document is "US User Support: Younger
7 Users/U13."

8 Correct?

9 A. That is the title, yes.

10 Q. You are listed as the project
11 owner.

12 Correct?

13 A. Yes, I am.

14 Q. What does it mean to be the
15 project owner?

16 A. It was because I was the user
17 support lead for the younger users work
18 stream, and so I would have been the main
19 point of contact for this particular SOP
20 since it was used by my team.

21 Q. Did you help draft any of this
22 SOP?

23 A. I helped -- I helped update and
24 add some things to it, yes.

25 Q. Were you responsible for

1 following this SOP?

2 A. Was I individually responsible?

3 Q. Yes, ma'am.

4 A. This SOP was for myself and my
5 team to utilize. Also, I think I said this
6 earlier, it was also guidelines as well.
7 But, yes, this was for our team.

8 Q. Thank you.

9 And US user support, US means
10 United States.

11 Correct?

12 A. That was the chunk of what we
13 used to do, but as you can see in the
14 background, at the time of this particular
15 SOP, we handled feedback from users in
16 Canada, Australia and New Zealand as well.

17 Q. And you're looking at -- under
18 Background it says, "This document outlines
19 how to handle U13," which is under 13,
20 "slash, younger user account inquiries for
21 our users in the United States, Canada,
22 Australia and New Zealand. The younger user
23 queues handle any cases that deal with
24 younger users or age issues," and then it has
25 a series of issues.

1 Correct?

2 A. It says "with younger users or
3 age issues," not necessarily just younger
4 user issues.

5 Q. It says, "Last updated
6 12/19/21."

7 What does that signify?

8 A. So that, to me, means that this
9 is an older version of the SOP that -- you
10 know, I don't know when this was pulled, but
11 it looks like this SOP, when this was pulled,
12 it was last -- this version was last updated
13 at December 19, 2021.

14 Q. Okay. So was it in effect on
15 December 19, 2021?

16 A. It would have been an SOP that
17 we used on December 19, 2021. Or an SOP we
18 looked at --

19 Q. Do you know when -- sorry.

20 A. No, I'm sorry.

21 Q. Go ahead.

22 A. I'm done.

23 Q. Do you know when this SOP was
24 first created?

25 A. That is a great question. I

1 did not create this SOP, so I would not know
2 that information unless I have access to the
3 live document.

4 Q. Do you know who created this
5 SOP?

6 A. I actually don't.

7 Q. Do you know when you first
8 utilized this SOP in your job at TikTok?

9 A. It would have been end of 2020
10 at some point, but I don't know an exact
11 date.

12 Q. Was there an SOP that existed
13 before the end of 2020 that's different from
14 this one?

15 A. Possibly. I don't remember.
16 That was so long ago, and I don't remember.

17 Q. If we looked at the next SOP,
18 which is the Exhibit 8, it's the "USDS User
19 Support SOP: Younger Users plus age
20 appeals."

21 Do you see that?

22 A. I see that.

23 Q. Okay. Your name is on here
24 along with [REDACTED], on the first page.

25 Correct?

1 to respond to those requests.

2 QUESTIONS BY MR. WEINKOWITZ:

3 Q. What does that macro say?

4 A. I have not looked at those
5 macros in quite a while, so I don't want to
6 recite something to you off the top of my
7 head inaccurately.

8 Q. Okay. So let's -- okay. So
9 let's turn to Bates number 2052 of the first
10 SOP, Exhibit 7.

11 Will you pull it up? It's --
12 we're going to the macros in the back, Zach.

13 A. Is this on the same version of
14 the SOP we're looking at or is this on a
15 later version?

16 Q. This is on the -- this is on
17 the 20 -- the version that was last updated
18 12/19/21.

19 A. Okay.

20 Q. Which is Exhibit 7, I think.

21 A. Okay. Thank you.

22 Q. And if you'll see on the
23 screen, at Bates 2052 -- and if you want to
24 flip back a couple of pages, you'll see that
25 this is a list of macros.

1 Right?

2 A. Yes.

3 Q. And the macro, that second one
4 down -- I'm sorry, the third one down says,
5 "Parent Deletion."

6 Right?

7 A. Yes.

8 Q. And it says, "Parent deletion
9 request for a child age 13 to 17."

10 A. I see that.

11 Q. So this -- when a parent calls
12 in and they request that their kid's TikTok
13 account be deleted, and that kid is age 13 to
14 17, right, this is a macro of what TikTok
15 tells the parents.

16 Right?

17 A. This is the macro that is one
18 of the responses we could use, yes.

19 Q. Okay. Can you -- can you read
20 to the ladies and gentlemen of the jury what
21 you tell that parent with this macro?

22 A. In this particular macro, "Hi
23 there. Thank you for reaching out. TikTok
24 is an app for individuals of all ages.
25 However, we provide appropriate experiences

1 based on a user's age. It appears that your
2 child's account is in the appropriate age
3 experience, and we will not be able to delete
4 the account for you. You can read" -- "You
5 can read about our terms of use related to
6 age here," the URL, "best, the TikTok team."

7 Q. That macro tells the parents
8 that TikTok is not going to delete the
9 account.

10 Correct?

11 A. It tells the -- it tells the
12 parents what I just read out, yes.

13 Q. Okay. "We will not be able to
14 delete the account" is a more polite way of
15 saying we won't delete the account.

16 Correct?

17 MR. DRAKE: Object to form.

18 THE WITNESS: If the user is
19 over 13 and in an over-13 account,
20 they're in the correct space.

21 QUESTIONS BY MR. WEINKOWITZ:

22 Q. And that's a choice that TikTok
23 made, to not delete that account.

24 Correct?

25 It could have actually

1 physically deleted the account if TikTok
2 wanted to, correct?

3 MR. DRAKE: Object to form.

4 THE WITNESS: I don't know how
5 to answer that. Our team is just
6 following policy that was not written
7 by us.

8 QUESTIONS BY MR. WEINKOWITZ:

9 Q. It was a policy that was
10 written by someone else at TikTok on behalf
11 of TikTok.

12 Correct?

13 A. I'm unsure, but I'm assuming
14 so, yes.

15 Q. Can we go back to page 49 of
16 this document, please? Ending in Bates 2015.

17 So you -- mom or dad calls in.
18 Their kid is 13 to 17 years old. They want
19 their kid's TikTok account deleted.

20 TikTok sends out this macro and
21 says that they're not going to delete it,
22 effectively.

23 Let's say mom or dad pushes
24 back on the same ticket. Can you read the
25 note as to how TikTok responds on the policy?

1 MR. DRAKE: Object to form.

2 THE WITNESS: I'm going to read
3 this out. "Note: If the parent
4 writes back after you send the parent
5 deletion request, age 13 to 17 macro
6 response, push back on the same
7 request of deletion, you cannot
8 respond. Add an internal note of NRN,
9 cannot delete account."

10 QUESTIONS BY MR. WEINKOWITZ:

11 Q. So in other words, TikTok
12 doesn't respond to the parent pushing back.

13 Correct?

14 A. It's hard for me to answer
15 because the parent could have, you know -- I
16 don't know. It's hard -- that's what this
17 reads, but kind of hard to say. It kind of
18 depends on what the parent wrote back and
19 said.

20 Q. Okay. So let's just focus on
21 the policy, which is TikTok's official policy
22 at the time. And it says, "If the parent
23 writes back after you send the parent
24 deletion request, age 13 macro, response to
25 push back on the same request of deletion" --

1 responsible for handling any feedback that
2 users submitted about that process. So I
3 don't necessarily always know the why behind
4 something happening.

5 Q. I think my question was a
6 little different. I asked, what do you
7 recall about why those accounts didn't have a
8 date of birth associated?

9 A. And I don't know.

10 MR. DRAKE: Yeah. Object to
11 form.

12 (Burchell Exhibit 12 marked for
13 identification.)

14 QUESTIONS BY MS. CRAICK:

15 Q. I'd like to pull up Tab R and
16 introduce that as the next-numbered exhibit,
17 if someone could tell me what the next
18 number -- I don't know if we're on 12 or
19 something else.

20 MS. SUGAR: 12.

21 QUESTIONS BY MS. CRAICK:

22 Q. So this is Exhibit 12. This is
23 a document titled "Facebook and Google Age
24 Gate Update" dated April 6, 2022, and updated
25 May 16, 2022.

1 Do you see that?

2 A. Yes.

3 Q. And you're listed as one of the
4 project owners.

5 Right?

6 A. I am listed on this doc, yes.

7 Q. And could you explain to the
8 jury again what it means to be a project
9 owner?

10 A. In this particular sense, in
11 this particular doc, this is an SOP outlining
12 how my team should handle any inquiries
13 received about this update and what my team
14 should do if they were to receive an inquiry
15 about this update.

16 Q. And inquiries from whom?

17 A. From users.

18 Q. Did you write this document?

19 A. I did.

20 Q. And this was created as part of
21 your regular course of your job at TikTok.

22 Right?

23 A. Yes.

24 Q. And who is [REDACTED]? What
25 was her role at TikTok?

1 A. [REDACTED] was a senior --
2 is -- was and is a senior associate on the
3 younger users user support team.

4 Q. And was this document
5 circulated to the other people you supervised
6 at TikTok?

7 A. It was.

8 Q. The document says that -- under
9 the first bullet point, "All users based in
10 the US that signed up originally using either
11 Facebook or Google are going to receive a
12 push notification asking for their date of
13 birth."

14 Do you see that?

15 A. I see that.

16 Q. And then if we go down to the
17 second page, bullet point 3, it has a heading
18 "Why is this necessary?"

19 Do you see that?

20 A. Yes.

21 Q. And could you read the first
22 bullet point there?

23 A. "We have found an issue in the
24 account creation process where users creating
25 a TikTok account using a Facebook or Google

1 login are not asked to input their birthday."

2 Q. Okay. So before this update,
3 kids who created a TikTok account using
4 either a Facebook or a Google login were not
5 asked by TikTok for their birthday.

6 Right?

7 A. I would not be the expert on
8 this process being built out, so I don't -- I
9 can't confidently answer that.

10 Q. You were the project owner of
11 this document.

12 Right?

13 A. Of this document, not the
14 age-gate process.

15 Q. And this says, "We have found
16 an issue in the account creation process
17 where users creating a TikTok account using
18 either a Facebook or a Google login are not
19 asked to input their birthday."

20 Right?

21 MR. DRAKE: Object to form.

22 THE WITNESS: You -- what you
23 just read, yes, that is on the SO --
24 this SOP.

25

1 QUESTIONS BY MS. CRAICK:

2 Q. And so TikTok also said, "This
3 needs to be fixed in order to make sure every
4 user on the platform is in the correct
5 experience for their age."

6 Right?

7 MR. DRAKE: Object to form.

8 THE WITNESS: That is what the
9 bullet says, yes.

10 QUESTIONS BY MS. CRAICK:

11 Q. Because if you don't know a
12 kid's age, they might not be in the correct
13 experience.

14 Right?

15 A. They may be. They may not be.

16 Q. So it's possible that a kid
17 could be 10 years old and in the 18 and over
18 TikTok experience if you don't know the kid's
19 age.

20 Correct?

21 A. It's possible.

22 Q. And TikTok launched in the
23 United States in 2017, 2018.

24 Right?

25 A. I --

1 MR. DRAKE: Object to form.

2 THE WITNESS: The policy was to
3 identify if a user was under the age
4 of 13 or not.

5 QUESTIONS BY MS. CRAICK:

6 Q. And in order to make that
7 identification, were you trying to see
8 whether or not they look under 13, or were
9 you trying to see whether or not they look
10 under 12 or under 11? Under a different age?

11 MR. DRAKE: Object to form.

12 THE WITNESS: In an earlier
13 version of the policy, 9 was used as
14 a, like -- as a starting -- as a
15 starting place to identify what age a
16 user looked like, but we were still
17 trying to identify if a user was under
18 13 or not.

19 QUESTIONS BY MS. CRAICK:

20 Q. So why don't we look at that
21 real quick. We can pull back up Exhibit 7
22 and go to page 49.

23 And to remind the jury, this is
24 the user support SOP for younger users/users
25 under 13, and this is the document where

1 you're listed as project owner.

2 A. The old --

3 Q. Are you there?

4 A. The old version, correct? From
5 2021?

6 Q. Yes.

7 A. Got it.

8 Q. This was from 2021.

9 A. Yeah.

10 Q. And at the bottom of page 49,
11 you see a heading that says, "Third Party
12 Deletion Request, U13"?

13 Do you see that?

14 A. I see that.

15 Q. And it says, "When a third
16 party, teacher, grandparent, friend, et
17 cetera, reports a suspected underage user, we
18 review the information given, plus visual
19 signals on the reported account, and
20 determine if the user is under 13 or not."

21 Right?

22 A. I see that.

23 Q. And then it has a note that
24 discusses visual signals.

25 Do you see that?

1 A. I see that.

2 Q. And can you read what it says
3 there?

4 A. "Visual signals are defined as
5 any" -- excuse me -- "are defined as any
6 visual indicator of the account holder being
7 under 13 years old."

8 Do you want me to keep going?

9 Q. Yes, please.

10 A. "To help operationalize this
11 subjective determination, we target
12 9-year-old appearance, behavior or
13 environmental signals as a good calibration
14 point."

15 Q. And, Zach, can you underline
16 the "target 9-year-old appearance"?

17 A. I read that.

18 Q. At this point in 2021, TikTok
19 was looking at whether the kid looks 9 years
20 old or younger as one of the criteria.

21 Right?

22 MR. DRAKE: Object to form.

23 THE WITNESS: We were still
24 looking to see if the user was -- if
25 the account holder was under 13, but,

1 CERTIFICATE

2 I, CARRIE A. CAMPBELL, Registered
3 Diplomate Reporter, Certified Realtime
4 Reporter and Certified Shorthand Reporter, do
5 hereby certify that prior to the commencement
6 of the examination, Amber Renee Miller
Burchell, was duly sworn by me to testify to
the truth, the whole truth and nothing but
the truth.

7 I DO FURTHER CERTIFY that the
8 foregoing is a verbatim transcript of the
9 testimony as taken stenographically by and
before me at the time, place and on the date
hereinbefore set forth, to the best of my
ability.

10 I DO FURTHER CERTIFY that I am
11 neither a relative nor employee nor attorney
12 nor counsel of any of the parties to this
13 action, and that I am neither a relative nor
employee of such attorney or counsel, and
that I am not financially interested in the
action.

14
15 <%31964,Signature%>

16 _____
17 CARRIE A. CAMPBELL,
18 NCRA Registered Diplomate Reporter
19 Certified Realtime Reporter
20 California Certified Shorthand
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25