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**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

CANDACE ARROYO, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

TIKTOK INC., a California corporation,
and BYTEDANCE INC., a Delaware
corporation,

Defendants.

Case No.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Candace Arroyo (“Ms. Arroyo” or “Plaintiff”) brings this class action against Defendants TikTok Inc. (“TikTok”) and ByteDance Inc. (“ByteDance”) (collectively, “Defendants”), and alleges, based upon personal knowledge as to herself and her own acts and experiences, and on information and belief as to all other matters based upon, *inter alia*, the investigation of counsel, as follows:

INTRODUCTION

1. This is a class action brought by a Florida citizen against the California-based corporations Tik Tok and ByteDance (which were and are controlled and largely owned by the same individual in China, Yiming Zhang), for intercepting the electronic communications of users of the TikTok app when they link to third-party websites in the TikTok app, in violation of, *inter alia*, the Federal Wiretap Act, 18

1 U.S.C. §§ 2510, *et seq.* Defendants employ JavaScript computer code (“Session
2 Replay Code”) to track users’ every move as they browse the Internet from within
3 the TikTok app. As users browse a third-party website from within the TikTok app,
4 they do so via TikTok’s in-app web browser (with no option to use the mobile
5 phone’s default web browser), and the Session Replay Code intercepts and records
6 the user’s electronic communications. These communications encompass their
7 keystrokes, clicks, scrolling and swiping finger movements, text being entered into
8 an information field or text box (even when never sent to the website), and/or other
9 electronic communications as they occur in real time (“Website Communications”).

10 2. Session Replay Code goes far beyond the expectations of ordinary users
11 of the Internet of the data they might be offering to companies. According to a
12 Princeton University study: “The extent of the data collected ‘far exceeds user
13 expectations,’ including recording what you type into a text box before you submit
14 it, ‘all without any visual indication to the user.’”¹

15 3. Moreover, the third-party websites did not consent in any way that
16 private communications from visitors to those websites be intercepted by TikTok,
17 just because the visitor happens to link to the website from within the TikTok app.

18 4. The use of Session Replay Code is not tolerated by some of the largest
19 tech companies. In 2019, Apple warned app developers using Session Replay Code
20 that they were required to disclose this type of tracking and recording to their users,
21 or they would be immediately removed from the Apple Store. “Protecting user
22 privacy is paramount in the Apple ecosystem. Our App Store Review Guidelines
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27 ¹ Nitasha Tiku, “The Dark Side of ‘Replay Sessions’ That Record Your Every Move
28 Online,” *Wired*, available at <https://www.wired.com/story/the-dark-side-of-replay-sessions-that-record-your-every-move-online/> (last visited Dec. 12, 2022).

1 require that apps request explicit user consent and provide a clear visual indication
2 when recording, logging, or otherwise making a record of user activity.”²

3 5. Defendants’ conduct directly violates both the Federal Wiretap Act, 18
4 U.S.C. §§ 2510 *et seq.* (the “FWA”), and the Florida Security of Communications
5 Act, Fla. Stat. § 934.01 *et seq.* (the “FSCA”), which statutes bar the interception and
6 recording of private communications without prior consent of *all* parties to the
7 conversation. Defendants are also unjustly enriched by their recording the Website
8 Communications.

9 6. Plaintiff brings this action individually and on behalf of a class of every
10 person in the United States whose Website Communications were intercepted
11 through Defendants’ use of Session Replay Code in the TikTok app via TikTok’s
12 in-app web browser and seeks all civil remedies provided under the cause of action,
13 including but not limited to actual, statutory, liquidated, punitive damages,
14 disgorgement, and attorneys’ fees and costs.

15 **PARTIES**

16 7. Plaintiff is, and at all times relevant hereto was, a natural person and a
17 permanent resident of the state of Florida. She is 37 years old, and has resided in
18 Florida since 2004, residing in Miami, Florida from 2009 to October 2022, when she
19 relocated to Jacksonville, Florida. Over the past two years, Ms. Arroyo used the
20 TikTok app almost every day, and regularly uses it two or more times in a single
21 day. At least once a week and often more, while using the TikTok app, Ms. Arroyo
22 clicks on links to external, third-party websites causing her to use TikTok’s in-app
23 web browser. In September 2020, Ms. Arroyo visited www.amazon.com via a link
24 in an advertisement on the TikTok app, from her home in Miami, Florida, and
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27 ² <https://techcrunch.com/2019/02/07/apple-glassbox-apps/> (last visited Dec. 12,
28 2022).

1 accessed and input personal financial information into that website in order to
2 purchase a product via Amazon.

3 8. Defendant TikTok is, and at all times relevant hereto was, a corporation
4 organized and validly existing under the laws of California with its principal place
5 of business in Culver City, California. It is a wholly owned subsidiary of TikTok,
6 LLC.

7 9. Defendant ByteDance is, and at all times relevant hereto was, a
8 corporation organized and validly existing under the laws of Delaware with its
9 principal place of business in Mountain View, California. Upon information and
10 belief, ByteDance is involved in development of the TikTok app, including research
11 and development of software for the TikTok app.

12 10. At all relevant times, Defendants have shared offices in Silicon Valley
13 and at 5800 Bristol Parkway, Culver City, California, and have also shared
14 employees. Employees frequently have both a TikTok and a ByteDance email
15 address, and executives often have roles at both companies. For example, in April
16 2021, it was announced that Shou Zi Chew, the CFO of ByteDance, would
17 concurrently take on the role of CEO of TikTok.³ TikTok’s “Head of HR, Americas
18 & Global Functions, GBS,” Kate Barney, is apparently also ByteDance’s “Head of
19 HR, US & Europe, Monetization.”⁴

20 11. The ByteDance US Applicant Privacy Notice provided to prospective
21 employees represents Defendants as a single entity: “ByteDance (‘we’ or ‘us’) has
22 prepare this Applicant Privacy Notice (‘Notice’) for applicants to roles with
23
24

25
26 ³ Molly Schuetz, *ByteDance’s Shouzi Chew Named New TikTok CEO*, FORTUNE
27 (Apr. 30, 2021), available at <https://fortune.com/2021/04/30/new-tiktok-ceo-bytedance-shouzi-chew/>.

28 ⁴ <https://www.linkedin.com/in/katemcfarlinbarney/> (last visited Dec. 12, 2022).

1 ByteDance . . . references to ‘ByteDance’ comprises the following U.S. entities:
2 ByteDance Inc., TikTok Inc., and any US incorporate affiliates.”⁵

3 12. On information and belief, Defendants do not operate as independent
4 corporate entities, but instead function as satellite offices of the China-headquartered
5 company Beijing Douyin Information Service Co. Ltd. a/k/a ByteDance Technology
6 Co. Ltd. (“Beijing ByteDance”). Defendants operate with little independence and
7 are constantly monitored by Chinese management.

8 13. On information and belief, Beijing ByteDance makes key strategic
9 decisions for Defendants, including regarding the TikTok app, and Defendants are
10 tasked with executing such decisions. Beijing ByteDance’s level of involvement is
11 in TikTok’s operations has been described by former employees as “so blurry as to
12 be non-existent.”⁶ Moreover, U.S. employees of Defendants in California are
13 expected to work during Chinese business hours to be available to Beijing-based
14 employees Beijing ByteDance.⁷ For example, one former project manager who
15 posted a YouTube video entitled “Why I Just Quit My Product Manager Job at
16 TikTok” stated she was expected to regularly attend late-night “Beijing meetings,”
17 and to submit a last-minute product proposal regarding the TikTop app for approval
18 to the “Beijing team,” even after it had already been approved by U.S. management.⁸

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21 ⁵ *ByteDance US Applicant Privacy Notice*, available at https://sf16-sg.tiktokcdn.com/obj/eden-sg/ha_lm_lswvlw/ljhwZthlaukjlkulzlp/portal/static/ByteDance_US_Applicant_Privacy_Notice.pdf (last visited Dec. 12, 2022).

22
23 ⁶ Salvador Rodriguez, *TikTok Insiders Say Social Media Company is Tightly*
24 *Controlled by Chinese Parent ByteDance*, CNBC (June 25, 2021), available at
25 <https://www.cnbc.com/2021/06/25/tiktok-insiders-say-chinese-parent-bytedance-in-control.html>.

26 ⁷ ByteDance, *LinkedIn Interviews ByteDance: How ByteDance Builds Its Global*
27 *Employer Brand*, YOUTUBE, https://www.youtube.com/watch?v=Epp_TN52fSU.

28 ⁸ Chloe Shih, *Why I Just Quit My Product Manager Job at TikTok*, YOUTUBE,
https://www.youtube.com/watch?v=pkDXV2g_i7Y.

1 14. The close relationship between Beijing ByteDance and Defendants
2 encompasses the former's ready access to any and all of U.S. users' data acquired
3 through their use of the TikTok app.⁹

4 15. At all relevant times, and in connection with the matters alleged herein,
5 each Defendant acted as an agent, servant, partner, joint venturer and/or alter ego of
6 the other Defendant, and each Defendant acted in the course and scope of such
7 agency, partnership and/or in furtherance of such joint venture. Each Defendant
8 acted with the knowledge and consent of the other Defendant and/or directed,
9 authorized, affirmed, consented to, ratified, encouraged, approved, adopted and/or
10 participated in the acts or transactions of the other Defendant.

11 16. At all relevant times, and in connection with the matters alleged herein,
12 Defendants were controlled and largely owned by the same person, China-based
13 founder Zhang Yiming, and constitute a single enterprise with a unity of interest.

14 **JURISDICTION AND VENUE**

15 17. The Court has jurisdiction over this action pursuant to 28 U.S.C.
16 § 1331 because it is brought under the laws of the United States, *i.e.*, the Federal
17 Wiretap Act, 18 U.S.C. §§ 2510 *et seq.* This Court has supplemental jurisdiction
18 over Plaintiff's state law claims under 28 U.S.C. § 1367.

19 18. The Court also has jurisdiction over this action pursuant to 28 U.S.C.
20 § 1332(d), because the members of the putative class are of diverse citizenship from
21 Defendants, there are more than 100 members of the putative class, and the aggregate
22 amount in controversy exceeds \$5,000,000, exclusive of costs and interest.

23 19. The Court has general personal jurisdiction over Defendants because
24 they have their principal place of business in California. This Court has specific
25 personal jurisdiction over Defendants because they (i) transact business in
26 California; (ii) have substantial aggregate contacts with California; (iii) engaged and
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28 ⁹ *See id.*

1 are engaging in conduct that has and had a direct, substantial, reasonably
2 foreseeable, and intended effect of causing injury to persons in California; and (iv)
3 purposely availed themselves of the laws of California.

4 20. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because
5 Defendants both have their headquarters located in California and Defendant TikTok
6 has its headquarters located in this District.

7 **FACTUAL ALLEGATIONS**

8 21. The TikTop app debuted in the United States in September 2018 (as a
9 successor to the Musical.ly app after ByteDance purchased Musical.ly, Inc.). One
10 month thereafter, it had surpassed Facebook, Instagram, YouTube, and SnapChat in
11 monthly installations, and had more than one billion downloads.¹⁰ In 2020, the year
12 of the COVID-19 lockdowns, it was the second most downloaded iPhone app.¹¹ In
13 2021, it was the most popular app in the United States,¹² and had 1.2 billion active
14 users globally in the fourth quarter of that year.¹³

15 22. While TikTok is most widely known for user-created dance, comedy,
16 or lip-synching videos, the variety of content that can be created and viewed on
17 TikTok is virtually limitless—if you can imagine it, it likely exists on TikTok. The
18 content on the TikTop app is aimed at perpetuating its users’ dopamine (*i.e.*, the
19 neurotransmitter released in the brain to give a sense of reward or accomplishment),

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21 ¹⁰ Dan Hughes, *The Rapid Rise of TikTok*, Digital Marketing Institute (Aug. 26,
22 2019), <https://digitalmarketinginstitute.com/blog/the-rapid-rise-of-tiktok> (last
23 visited Dec. 12, 2022).

24 ¹¹ Werner Geysler, *TikTok Statistics—63 TikTok Stats You Need to Know [2022
25 Update]*, Influencer Marketing Hub (updated Aug. 1, 2022),
26 <https://influencermarketinghub.com/tiktok-stats/> (last visited Dec. 12, 2022).

27 ¹² *Id.*

28 ¹³ Mansoor Iqbal, *TikTok Revenue and Usage Statistics (2022)*, Business of Apps
(Nov. 11, 2022), <https://www.businessofapps.com/data/tik-tok-statistics/#:~:text=TikTok%20generated%20an%20estimated%20%244.6%20billion%20revenue%20in,Is%20accessed%20by%20over%20600%20million%20users%20daily> (last visited Dec. 12, 2022).

1 typically with videos less than one minute long. Just as with a slot machine at a
2 casino, users can find themselves scrolling the TikTok app for hours without
3 realizing it, awash in a dopamine rush.

4 23. TikTok touts that one in every two “Gen Z” (*i.e.*, the generation aged
5 18 to 25 as of the date of this filing) TikTok users are likely to purchase a product
6 while using TikTok; that 81% of users use TikTok to discover new products and
7 brands; and that TikTok video ads take up six times more space on the user’s screen
8 than traditional “banner ads.”¹⁴ In the second quarter of 2021, consumers spent over
9 \$500 million in purchases via the TikTok app.¹⁵ One independent study of TikTok’s
10 effectiveness for advertisers by consumer insights platform Disqo found that
11 “TikTok users put an average of 8.5% more dollars into their shopping carts” than
12 consumers shopping at those same websites who did not link from TikTok.¹⁶
13 Moreover, the independent study found that over 50% of respondents 35-54 were
14 using the TikTok app daily: “They become power users just like younger cohorts.”¹⁷

15 24. In 2021, TikTok generated an estimated \$4.6 billion in revenue.¹⁸ The
16 United States is TikTok’s largest market outside of China.¹⁹

21 ¹⁴ *Get Your Business Discovered on TikTok*, TikTok for Business,
22 [https://getstarted.tiktok.com/us-en-v1brand?lang=en&msclkid=](https://getstarted.tiktok.com/us-en-v1brand?lang=en&msclkid=9808304b00701c6f2f13532624807b5c)
23 [9808304b00701c6f2f13532624807b5c](https://getstarted.tiktok.com/us-en-v1brand?lang=en&msclkid=9808304b00701c6f2f13532624807b5c) (last visited Dec. 12, 2022).

24 ¹⁵ Geyser, *supra* at n.11.

25 ¹⁶ Liu, Ivy, *TikTok’s Latest Good News: Its Ads Are Sticky and Rich People Spend a*
26 *Lot of Time There*, DIGDAY (Sept. 30, 2021), [https://digiday.com/media/tiktoks-](https://digiday.com/media/tiktoks-latest-good-news-its-ads-are-sticky-and-effective-and-rich-people-spend-a-lot-of-time-there/)
27 [latest-good-news-its-ads-are-sticky-and-effective-and-rich-people-spend-a-lot-of-](https://digiday.com/media/tiktoks-latest-good-news-its-ads-are-sticky-and-effective-and-rich-people-spend-a-lot-of-time-there/)
28 [time-there/](https://digiday.com/media/tiktoks-latest-good-news-its-ads-are-sticky-and-effective-and-rich-people-spend-a-lot-of-time-there/) (last visited Dec. 12, 2022).

¹⁷ *Id.*

¹⁸ Mansoor, *supra* at n.13.

¹⁹ *Id.*

1 25. As stated in a 2017 feature story in *The Economist*, the “world’s most
2 valuable resource is no longer oil, but data.”²⁰

3 26. For example, in 2015, *TechCrunch* reported that “to obtain a list
4 containing the names of individuals suffering from a particular disease,” a market
5 participant would have to spend about “\$0.30 per name.”²¹ That same article noted
6 that “[d]ata has become a strategic asset that allows companies to acquire or maintain
7 a competitive edge,”²² and that the value of a single user’s data (within the corporate
8 acquisition context) can vary from \$15 to more than \$40 per user.²³

9 27. Furthermore, individuals can sell or monetize their own data if they so
10 choose. Indeed, Defendants themselves have valued individuals’ personal data in
11 real-world dollars.

12 28. As an example, Meta has previously offered to pay individuals for their
13 voice recordings,²⁴ and has paid teenagers and adults up to \$20 a month plus referral
14 fees to install an app that allows Meta to collect data on how individuals use their
15 smartphones.²⁵

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18 ²⁰ *The world’s most valuable resource is no longer oil, but data*, THE ECONOMIST
19 (May 6, 2017), available at <https://www.economist.com/leaders/2017/05/06/the-worlds-most-valuable-resource-is-no-longer-oil-but-data>.

20 ²¹ Pauline Glickman & Nicolas Glady, *What's the Value of Your Data?*,
21 TECHCRUNCH (Oct. 13, 2015), <https://techcrunch.com/2015/10/13/whats-the-value-of-your-data/> (last visited Dec. 21, 2022).

22 ²² *Id.*

23 ²³ *Id.*

24 ²⁴ Jay Peters, *Facebook Will Now Pay You for Your Voice Recordings*, THE VERGE
25 (Feb. 20, 2020), <https://www.theverge.com/2020/2/20/21145584/facebook-pay-record-voice-speech-recognitionviewpoints-pronunciations-app> (last visited Dec. 21, 2022).

26 ²⁵ Saheli Roy Choudhury & Ryan Browne, *Facebook Pays Teens to Install An App
27 That Could Collect All Kinds of Data*, CNBC (Jan. 29, 2019),
28 <https://www.cnbc.com/2019/01/29/facebook-paying-usersto-install-app-to-collect-data-techcrunch.html> (last visited Dec. 21, 2022).

1 29. Numerous other companies and apps such as Nielsen Data, Killi,
2 DataCoup, and AppOptix offer consumers money in exchange for their personal
3 data.²⁶

4 30. TikTok’s algorithm, the machine learning software tool used to
5 determine what videos and what advertisements to display on a user’s home page or
6 a user’s “discover page,” utilizes tracking software to understand a user’s interests
7 and habits.²⁷ This type of accurate targeted advertising, and the big data that powers
8 it, is critical to Defendants’ lucrative marketing business model.

9 31. To drive its business, TikTok presents users with links to third-party
10 websites in two main ways:

- 11 (a) through TikTok video advertisements, which appear as normal TikTok
12 videos except that they contain icons identifying them as a sponsored
13 post or an advertisement, and which present users with multiple
14 opportunities to link to a third-party website, *e.g.*, to purchase the
15 advertised product; and
- 16 (b) through the profiles of users with more than 1,000 followers, including
17 popular TikTok personalities, businesses or organizations, which have
18 the option to add a link to external websites directly on their profile.

19 32. In both scenarios, the third-party website is opened via TikTok’s in-app
20 browser. Specifically, while a user attempts to access a website by clicking a link
21 while using the TikTok app, the website does not open via the user’s default web
22 browser on the mobile device, such as Safari or Google Chrome. Instead,
23 unbeknownst to the user, and without offering the user any option, the link is opened

24 ²⁶ *28 Apps That Pay You for Data Collection: Earn a Passive Income*, DOLLAR
25 BREAK (July 7, 2022), [https://www.dollarbreak.com/apps-that-pay-you-for-data-
26 collection/](https://www.dollarbreak.com/apps-that-pay-you-for-data-collection/) (last visited Dec. 21, 2022).

27 ²⁷ *See, e.g., How TikTok’s Algorithm Works: A Fascinating and Disturbing Analysis*,
28 9 TO 5 MAC (July 28, 2021), [https://9to5mac.com/2021/07/28/how-tiktoks-
algorithm-works/](https://9to5mac.com/2021/07/28/how-tiktoks-algorithm-works/) (last visited Dec. 21, 2022).

1 inside the TikTop app, in Defendants’ own in-app browser. Thus, the user views the
2 third-party website without leaving the TikTok app.

3 33. TikTok’s in-app browser inserts JavaScript Session Replay Code into
4 the third-party websites that are accessed using the in-app browser. The inserted
5 code intercepts all the details of the TikTok user’s use of the in-app browser while
6 it is open, and TikTok tracks and captures all these details as the user interacts with
7 the website.

8 34. Software researcher and blogger Felix Krause recently published a
9 report on the risks of in-app Internet browsers.²⁸ Of the seven popular apps Krause
10 tested, TikTok was the only app that monitors keystrokes.

11 35. Specifically, while a user is interacting with the third-party website,
12 TikTok tracks and records all keyboard inputs. It also records every tap on any
13 button, link, image or other website element and logs details about what that element
14 is.²⁹

15 36. Krause created and used a tool called InAppBrowser.com to detect
16 JavaScript commands executed. Krause concluded that “TikTok injects code into
17 third party websites through their in-app browsers that behaves like a keylogger.”³⁰
18 Anything that user does via TikTok’s in-app browser is recorded and stored by
19 Defendants, including what links were clicked, what form fields were filled out (and
20 with what text), how the user scrolled or manipulated images using various finger
21 movements, and what images were viewed. The graphics below show the JavaScript
22 code inserted by Defendants’ in-app browser into the Apple iOS operating system
23 and the tool’s description of the function of the code. Plaintiff is informed and

24 _____
25 ²⁸ See Felix Krause, *iOS Privacy: Instagram and Facebook Can Track Anything You*
26 *Do on Any Website in Their In-App Browser*, krausfx.com (Aug. 10, 2022),
27 [https://krausfx.com/blog/ios-privacy-instagram-and-facebook-can-track-anything-](https://krausfx.com/blog/ios-privacy-instagram-and-facebook-can-track-anything-you-do-on-any-website-in-their-in-app-browser)
28 [you-do-on-any-website-in-their-in-app-browser](https://krausfx.com/blog/ios-privacy-instagram-and-facebook-can-track-anything-you-do-on-any-website-in-their-in-app-browser) (last visited Dec. 12, 2022).

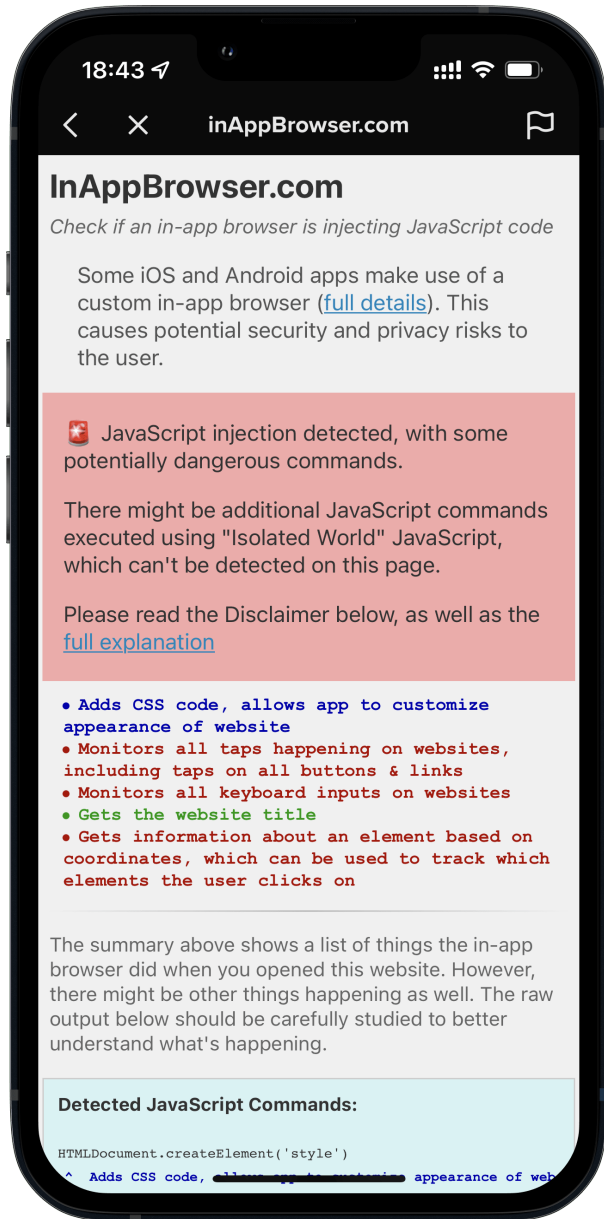
²⁹ *Id.*

³⁰ *Id.*

1 believes that similar JavaScript Session Replay Code is inserted by Defendants' in-
 2 app browser into the Android operating system.

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            11          DISCLAIMER:
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            13          The code below was generated through https://inappbrowser.com
            14          which basically overrides many of the standard JavaScript functions to get alerted
            15          whenever the host iOS app runs JavaScript commands. The code below is not complete.
            16          For example, having "[object HTMLStyleElement]" would mean an object, of the type
            17          HTMLStyleElement is being used. However, there are no further insights on those.
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            19          Also, there might be more JavaScript code that is being run, through
            20          https://developer.apple.com/documentation/webkit/wkcontentworld, which can't be detected
            21          by this tool.
            22
            23          The code below is for educational purposes only, and does not reflect a 100% accurate
            24          representation of the JavaScript code that is being run.
            25
            26          This file was generated on 2022-08-17
            27          */
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37. When a purchase is made via TikTop’s in-app browser, Defendants automatically intercept all the details of the purchase entered by the user, including the name of the purchaser, their address, telephone number, credit card or bank information, usernames, passwords, dates of birth, and other personal information.

38. Moreover, in the case of many other types of websites, the Session Replay Code in TikTok’s in-app browser enables Defendants to obtain valuable, but

³¹ *Id.*

1 undeniably private, information, such as about a user’s mental health, physical
2 health, or sexual preferences. For example, the online talk therapy company
3 BetterHelp has a verified account on the TikTok app with a link to its website, which
4 immediately asks the website visitor questions about their mental health needs.
5 Knowing which pages a user chooses to click on and spends time reading (a click
6 without time spent scrolling on the text would be distinguishable as a mere mistake
7 by the user) can reveal deeply personal and private information, which TikTok
8 intercepts to monetize by sending more accurate targeted content and advertisements
9 to the user. Other third-party websites that users can link to via the TikTok app
10 connect users with doctors or mental health professionals, and the information
11 entered by the user to be placed with the appropriate professional is also tracked via
12 the TikTok app unbeknownst to the website user.

13 39. In an endlessly reinforcing feedback loop starting with the TikTok app,
14 moving to third-party websites that reveal a plethora of data about the user, and then
15 returning back to the TikTok app now better informed to feed the user targeted
16 content (*i.e.*, to connect the user with advertisers), Defendants have a data-driven
17 business model unprecedented in scope that directly violates the privacy rights of
18 Floridians.

19 40. Defendants have specifically targeted consumers in the United States
20 and Florida with advertising campaigns that appeared on television, online, and
21 through other media promoting the TikTok app.³²

22
23
24 ³² See Sam Bradley, *TikTok on TV: What Does the Social Media Platform’s Ad Spend*
25 *Tell Us?*, thedrum.com (Apr. 27, 2021), <https://www.thedrum.com/news/2021/04/27/tiktok-tv-what-does-the-social-video-platform-s-ad-spend-tell-us>;
26 Todd Spangler, *TikTok Launches Biggest-Ever Ad Campaign as Its Fate Remains*
27 *Cloudy*, VARIETY (Aug. 18, 2020), [https://variety.com/2020/digital/news/tiktok-](https://variety.com/2020/digital/news/tiktok-advertising-brand-campaign-sale-bytedance-1234738607/)
28 [advertising-brand-campaign-sale-bytedance-1234738607/](https://variety.com/2020/digital/news/tiktok-advertising-brand-campaign-sale-bytedance-1234738607/) (both last visited Dec. 12, 2022).

1 41. Defendants embed computer code on the TikTop app that acts to
2 intercept the Website Communications of a user of the TikTop app who links to a
3 third-party website via TikTok’s in-app browser.

4 42. After intercepting and capturing the Website Communications,
5 Defendants use those Website Communications to recreate the user’s entire visit to
6 the websites. Defendants create and save video replay of the user’s behavior on the
7 website for analysis. This is the electronic equivalent of “looking over the shoulder”
8 of each visitor to the websites for the entire duration of their website interaction.

9 43. The wiretaps engage as soon as the user clicks on a link in the TikTok
10 app to a third-party website launching TikTok’s in-app browser. Therefore, users
11 are not provided with an opportunity to review any privacy policies or disclosures
12 regarding deployment of the wiretaps on the third-party websites.

13 44. The Session Replay technology used by Defendants is not a cookie, tag,
14 web beacon, or analytics tool. Unlike website analytics services that provide
15 aggregate statistics, Session Replay is intended to record and play back the entirety
16 of an individual’s browsing session.

17 45. Defendants’ actions through TikTok’s in-app browser are not part of
18 routine Internet functionality. As standard web browsers on mobile phones (*e.g.*,
19 Google Chrome, Apple’s Safari) do not record users with Session Replay Code, even
20 the companies that created and host the third-party websites to which TikTok users
21 link are unaware that these visitors to their websites are recorded by Defendants
22 using Session Replay Code. Surreptitious interception and recording of a user’s
23 keystrokes, clicks, swipes, and text communications are contrary to the legitimate
24 expectation of TikTok users in the United States and Florida browsing the web via
25 the TikTok app, and contrary to established industry norms.

26 46. Defendants maintain the records of users they have wiretapped, either
27 through their own computer systems or through a third-party contractor.
28

1 47. As an example of Defendants' unlawful conduct, in September 2022,
2 Plaintiff visited www.amazon.com, the online retailer, via the TikTok app from her
3 home in Miami, Florida, and accessed and input personal financial information into
4 that website in order to purchase a product via Amazon. Unbeknownst to her,
5 Defendants engaged Session Replay Code to record and store the personal
6 information she entered.

7 48. Plaintiff and other similarly situated TikTok users had no knowledge
8 of, and did not give prior consent for, Session Replay Code recording her Website
9 Communications on third-party websites she linked to from the TikTok App.
10 Defendants never asked Plaintiff or similarly situated TikTok users for permission
11 to intercept and record her visits to third-party websites while using TikTok's in-app
12 browser. Nevertheless, upon information and belief, the Session Replay Code that
13 Defendants embedded into the TikTok app intercepted Plaintiff and similarly
14 situated TikTok users' Website Communications. These intercepted Website
15 Communications were then stored by Defendants or its third-party contractor to be
16 replayed later and used for Defendants' financial benefit.

17 49. At no point did Defendants inform Plaintiff or similarly situated TikTok
18 users in the United States or Florida of their surreptitious recording of her Website
19 Communications as they browsed third-party websites while using the TikTok app.

20 CLASS ALLEGATIONS

21 50. Plaintiff brings this action pursuant to Federal Rule of Civil Procedure
22 23 individually and on behalf of the following Classes:

24 **Nationwide Class:** All natural persons in the United States within the
25 applicable statute of limitations period who had their Website
26 Communications captured through Session Replay Code activated by
TikTok's in-app browser.

27 **Florida Subclass:** All natural persons who, while citizens of the state
28 of Florida and within the applicable statute of limitations period, had

1 their Website Communications captured in Florida through Session
2 Replay Code activated by TikTok's in-app browser.

3 51. Excluded from the Classes are Defendants, their parents, subsidiaries,
4 affiliates, officers, and directors, all persons who make a timely election to be
5 excluded from the Classes, the judge to whom this case is assigned and any
6 immediate family members thereof, and the attorneys who enter their appearance in
7 this action.

8 52. **Numerosity:** The class members are so numerous that individual
9 joinder of all class members is impracticable. Upon information and belief, the Class
10 exceeds 100,000 persons. The precise number of class members and their identities
11 are unknown to Plaintiff at this time but may be determined through discovery. Class
12 members may be notified of the pendency of this action by mail and/or publication
13 through the records of Defendants.

14 53. **Commonality:** There are numerous questions of law and fact common
15 to the Class, including but not limited to:

- 16 a. Whether Defendants violated the FWA;
- 17 b. Whether Defendants violated the FSCA;
- 18 c. Whether Defendants intercepted Plaintiff's and the class
19 members' electronic Website Communications;
- 20 d. Whether Defendants secured prior consent before intercepting
21 Plaintiff's and the class members' Website Communications; and
- 22 e. Whether Defendants are liable for damages, and the amount of
23 such damages.

24 54. **Typicality:** Plaintiff's claims are typical of the claims of the class
25 members, as they are all based on the same factual and legal theories.

1 55. **Adequacy of Representation:** Plaintiff is a representative who will
2 fully and adequately assert and protect the interests of the class and has retained
3 competent counsel.

4 56. **Declaratory and Injunctive Relief:** Rule 23(b)(2) of the Federal Rules
5 of Civil Procedure: Defendants have acted or refused to act on grounds generally
6 applicable to Plaintiff and Class members, thereby making appropriate declaratory
7 relief, with respect to the Classes as a whole.

8 57. Plaintiff seeks preliminary and permanent injunctive and equitable
9 relief on behalf of the entire Class, on grounds generally applicable to the entire
10 Class, to enjoin and prevent Defendants from engaging in the acts described above,
11 such as continuing to record website communications through TikTok’s in-app
12 browser.

13 58. Unless a class is certified, Defendants will retain monies received as a
14 result of their conduct that were taken from Plaintiff and the Class members. Unless
15 a Class-wide injunction is issued, Defendants will continue to commit the violations
16 alleged and the members of the Class will continue to be unlawfully eavesdropped
17 upon.

18 59. **Superiority:** In this lawsuit, a class action is superior to all other
19 available methods for its fair and efficient adjudication because individual litigation
20 of the claims of all class members is economically infeasible and procedurally
21 impracticable. This proposed class action presents fewer management difficulties
22 than individual litigation, and provides the benefits of single adjudication,
23 economies of scale, and comprehensive supervision by a single court. Class
24 treatment will create economies of time, effort, and expense and promote uniform
25 decision-making.

26 60. **Predominance:** Common questions of law and fact predominate over
27 any questions affecting only individual class members. Similar or identical
28

1 violations, business practices, and injuries are involved. Individual questions, if any,
2 pale by comparison, in both quality and quantity, to the numerous common questions
3 that dominate this action. If Defendants intercepted Plaintiff’s and class members’
4 communications, then Plaintiff and each class member suffered damages by that
5 conduct.

6 **CAUSES OF ACTION**

7 **COUNT I**

8 **Violation of the Federal Wiretap Act**

9 **18 U.S.C. §§ 2510 et seq.**

10 **(On Behalf of the Nationwide Class)**

11 61. Plaintiff re-alleges and incorporates paragraphs 1 through 60 as if fully
12 set forth herein.

13 62. Plaintiff brings this claim individually and on behalf of the Nationwide
14 Class.

15 63. The Federal Wiretap Act, 18 U.S.C. §§ 2510 *et seq.*, prohibits he
16 interception of any wire, oral, or electronic communications without the consent of
17 at least one authority party to the communication. The statute confers a civil cause
18 of action on “any person whose wire, oral, or electronic communication is
19 intercepted, disclosed, or intentionally used in violation of this chapter.” 18 U.S.C.
20 § 2520(a).

21 64. “Intercept” is defined as the “aural or other acquisition of the contents
22 of any wire, electronic, or oral communication through the use of any electronic,
23 mechanical, or other device.” *Id.* § 2510(4).

24 65. “Contents” is defined as “includ[ing] any information concerning the
25 substance, purport, or meaning of that communication.” *Id.* § 2510(8).

26 66. “Person” is defined as including “any individual, partnership,
27 association, joint stock company, trust, or corporation. *Id.* § 2510(6).
28

1 67. “Electronic communication” is defined as “any transfer of signs,
2 signals, writing, images, sounds, data, or intelligence, of any nature transmitted in
3 whole or in part by a wire, radio, electromagnetic, photoelectronic or photooptical
4 system that affects interstate or foreign commerce. . . .” *Id.* § 2510(12).

5 68. Defendants, as corporations, are each “persons” under the FWA.

6 69. Plaintiff’s and the putative Nationwide Class members’ keystrokes,
7 clicks, scrolling and swiping finger movements, text typed, and other interactions
8 with websites via TikTok’s in-app browser are “contents” of “electronic
9 communications” under 18 U.S.C. § 2510(12).

10 70. Session Replay software like that used by Defendants is an “electronic,
11 mechanical or other device” “used to intercept a wire, oral, or electronic
12 communication” under the FWA.

13 71. Defendants intentionally employ Session Replay Code to automatically
14 and indiscriminately spy on and intercept website visitors’ electronic
15 communications as they take place in real time, in violation of 18 U.S.C. § 2520(a).

16 72. Plaintiff and the Nationwide Class members did not give prior consent
17 to having their communications intercepted by Defendants. In fact, Plaintiff and the
18 Nationwide Class members reasonably expected under the circumstances that their
19 electronic communications would not be intercepted.

20 73. Nor did the third-party websites, as the other parties to the
21 communications, give prior consent to having those communications intercepted by
22 Defendants, and Defendants never sought to or did obtain the third-party websites’
23 consent.

24 74. At all relevant times, Defendants’ conduct was knowing and
25 intentional. Experts who uncovered the JavaScript injections included in
26 Defendants’ in-app browser explained that the inclusion of the JavaScript injections
27
28

1 were intentional, non-trivial engineering tasks—the kind that do not happen by
2 mistake or randomly.³³

3 75. Plaintiff and the Nationwide Class members are each entitled to “such
4 preliminary and other equitable or declaratory relief as may be appropriate”; “(A)
5 the sum of the actual damages suffered by the plaintiff and any profits made by the
6 violator as a result of the violation; or (B) statutory damages of whichever is the
7 greater of \$100 a day for each day of violation or \$10,000”; and punitive damages.
8 18 U.S.C. § 2520(b), (c).

9 76. Plaintiff and the Nationwide Class are also entitled to a “reasonable
10 attorney’s fee and other litigation costs reasonably incurred.” *Id.* § 2520(b)(3).

11 **COUNT II**

12 **Violation of the Florida Security of Communications Act**

13 **Fla. Stat. § 934.03 et seq.**

14 **(On Behalf of the Florida Subclass)**

15 77. Plaintiff re-alleges and incorporates paragraphs 1 through 60 as if fully
16 set forth herein.

17 78. Plaintiff brings this claim individually and on behalf of the Florida
18 Subclass.

19 79. Florida, along with at least nine other U.S. states, is a “two-party
20 consent” state, *i.e.*, a jurisdiction in which all parties to a conversation must consent
21 to the recording of the conversation.

22 80. Consistent with this, the FSCA bars the surreptitious interception and
23 recording of private communications. Fla. Stat. § 934.03(1)(a).

24
25
26 ³³ Richard Nieva, *TikTok’s In-App Browser Includes Code that Can Monitor Your*
27 *Keystrokes, Researcher Says*, FORBES (Aug. 18, 2022),
28 <https://www.forbes.com/sites/richardnieva/2022/08/18/tiktok-in-app-browser-research/?sh=5b801c317c55> (last visited Dec. 21, 2022).

1 81. It is a violation of the FSCA to intercept, endeavor to intercept, or
2 procure any other person to intercept or endeavor to intercept any electronic
3 communication. *Id.* § 934.03(1)(a).

4 82. Further, it is a violation to intentionally use, or endeavor to use, “the
5 contents of any wire, oral, or electronic communication, knowing or having reason
6 to know that the information was obtained through the interception of a wire, oral,
7 or electronic communication in violation of this subsection[.]” *Id.* § 934.03(1)(d).

8 83. The FSCA defines “intercept” as “the acquisition of the contents of any
9 wire, electronic, or oral communication through the use of any electronic,
10 mechanical, or other device.” *Id.* § 934.02(3).

11 84. “Electronic communication” is defined as “any transfer of signs,
12 signals, writing, images, sounds, data, or intelligence of any nature transmitted in
13 whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical
14 system that affects intrastate, interstate, or foreign commerce . . .” *Id.* § 934.02(12).

15 85. “Person” includes “any individual, partnership, association, joint stock
16 company, trust, or corporation.” *Id.* § 934.02(5).

17 86. Defendants, as corporations, are each “persons” under the FSCA.

18 87. Plaintiff’s and the putative Florida Subclass members’ keystrokes,
19 clicks, scrolling and swiping finger movements, text typed, and other interactions
20 with websites via TikTok’s in-app browser are “contents” of “electronic
21 communications” under the FSCA.

22 88. Session Replay software like that used by Defendants is an “electronic,
23 mechanical or other device” “used to intercept a wire, oral, or electronic
24 communication” under the FSCA.

25 89. Defendants intentionally employ Session Replay Code to automatically
26 and indiscriminately spy on and intercept website visitors’ electronic
27 communications as they take place in real time, in violation of Section 934.03(1)(a).

1 90. Plaintiff and the Florida Subclass members did not give prior consent
2 to having their communications with third-party website operators intercepted by
3 Defendants. In fact, Plaintiff and the Florida Subclass members reasonably expected
4 under the circumstances that their electronic communications would not be
5 intercepted.

6 91. Nor did the third-party websites, as the other parties to the
7 communications, give prior consent to having those communications intercepted by
8 Defendants, and Defendants never sought to or did obtain the third-party websites'
9 consent.

10 92. Defendants violated Section 934.03(1)(a) by using the unlawfully
11 intercepted electronic communications.

12 93. At all relevant times, Defendants' conduct was knowing and
13 intentional.

14 94. Pursuant to Section 934.10, Florida Statutes, Plaintiff and the Florida
15 Subclass members are each entitled to "actual damages, but not less than liquidated
16 damages computed at the rate of \$100 a day for each day of violation or \$1,000,
17 which is higher;" and punitive damages.

18 95. Plaintiff is also entitled to "reasonable attorney's fees and other
19 litigation costs reasonably incurred." *Id.*

20 **COUNT III**

21 **Unjust Enrichment**

22 **(On Behalf of the National Class and the Florida Subclass)**

23 96. Plaintiff re-alleges and incorporates paragraphs 1 through 60 as if fully
24 set forth herein.

25 97. Plaintiff brings this claim individually and on behalf of the National
26 Class and Florida Subclass.

1 98. Defendants received benefits from Plaintiff and class members in the
2 form of data which has substantial monetary value that Defendants sold for
3 marketing and advertising purposes and unjustly retained those benefits at the
4 expense of Plaintiff and class members.

5 99. Plaintiff and class members unknowingly conferred a benefit upon
6 Defendants in the form of valuable sensitive information that Defendants collected
7 from Plaintiff and class members, without authorization and proper compensation.
8 Defendants collected and used this information for its own gain, providing
9 Defendants with economic, intangible, and other benefits, including substantial
10 financial compensation from third parties who utilize Defendants' marketing and
11 advertising services.

12 100. Defendant unjustly retained those benefits at the expense of Plaintiff
13 and class members because Defendants' conduct damaged Plaintiff and class
14 members, all without providing any commensurate compensation to Plaintiff and
15 class members.

16 101. The benefits that Defendants derived from Plaintiff and class members
17 rightly belong to Plaintiff and class members. It would be inequitable under unjust
18 enrichment principles in Florida and every other state for Defendants to be permitted
19 to retain any of the profit or other benefits they derived from the unfair and
20 unconscionable methods, acts, and trade practices alleged in this Complaint.

21 102. Defendants should be compelled to disgorge, in a common fund for the
22 benefit of Plaintiff and class members, all unlawful or inequitable proceeds that
23 Defendants received, and such other relief as the Court may deem just and proper.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiff, individually and on behalf of the other members of
26 the Class alleged herein, respectfully request that the Court enter judgment in her
27 favor and against Defendants as follows:
28

1 A. Certifying the Class under Federal Rule of Civil Procedure 23 and
2 naming Plaintiff as the representative for the Class and Plaintiff's attorneys as Class
3 Counsel;

4 B. Declaring that Defendants' conduct violates the FWA and the FSCA;

5 C. Finding in favor of Plaintiff and the Class members on the claim
6 asserted herein;

7 D. Enjoining Defendants to desist from further recording of private
8 communications via TikTok's in-app browser, and awarding such other injunctive
9 relief as the Court deems appropriate;

10 E. Awarding Plaintiff and the Class members actual damages, statutory
11 and liquidated damages, punitive damages, and disgorgement, in amounts to be
12 determined by the Court or by the jury at trial;

13 F. Awarding Plaintiff and the Class members pre-judgment and post-
14 judgment interest; and

15 G. Awarding Plaintiff and the Class members their reasonable attorneys'
16 fees and expenses and costs of suit.

17 **DEMAND FOR JURY TRIAL**

18 Plaintiff and the putative class members hereby demand a trial by jury,
19 pursuant to Fed. R. Civ. P. 38(b), on all issues so triable.

20 Dated: December 22, 2022

Respectfully submitted,

21 By: /s/ Kristen Lake Cardoso

Kristen Lake Cardoso

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28 *Attorneys for Plaintiff and the Putative Class*

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

| | |
|---|---|
| I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) | DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) |
| (b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i> | County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i> |
| (c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. | Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. |

| | | | | | | | | | | | | | | | | | |
|---|--|---|---|--|---------|---|--|---|---|---|--|---|---|---|--|----------------|---|
| II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 2. U.S. Government Defendant <input type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III) | III. CITIZENSHIP OF PRINCIPAL PARTIES -For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table style="width:100%; border: none;"> <tr> <td style="border: none;">Citizen of This State</td> <td style="border: none; text-align: center;">PTF DEF</td> <td style="border: none;"></td> <td style="border: none; text-align: center;">PTF DEF</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td style="border: none;"></td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="border: none;"><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td style="border: none;"></td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none;"><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td style="border: none;"></td> <td style="border: none;">Foreign Nation</td> <td style="border: none;"><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table> | Citizen of This State | PTF DEF | | PTF DEF | <input type="checkbox"/> 1 <input type="checkbox"/> 1 | | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 <input type="checkbox"/> 4 | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |
| Citizen of This State | PTF DEF | | PTF DEF | | | | | | | | | | | | | | |
| <input type="checkbox"/> 1 <input type="checkbox"/> 1 | | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 <input type="checkbox"/> 4 | | | | | | | | | | | | | | |
| <input type="checkbox"/> 2 <input type="checkbox"/> 2 | | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 | | | | | | | | | | | | | | |
| <input type="checkbox"/> 3 <input type="checkbox"/> 3 | | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 | | | | | | | | | | | | | | |

IV. ORIGIN (Place an X in one box only.)

| | | | | | | |
|---|--|---|--|---|---|--|
| <input type="checkbox"/> 1. Original Proceeding | <input type="checkbox"/> 2. Removed from State Court | <input type="checkbox"/> 3. Remanded from Appellate Court | <input type="checkbox"/> 4. Reinstated or Reopened | <input type="checkbox"/> 5. Transferred from Another District (Specify) _____ | <input type="checkbox"/> 6. Multidistrict Litigation - Transfer | <input type="checkbox"/> 8. Multidistrict Litigation - Direct File |
|---|--|---|--|---|---|--|

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. NATURE OF SUIT (Place an X in one box only).

| OTHER STATUTES | CONTRACT | REAL PROPERTY CONT. | IMMIGRATION | PRISONER PETITIONS | PROPERTY RIGHTS |
|--|--|---|--|--|--|
| <input type="checkbox"/> 375 False Claims Act | <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 462 Naturalization Application | <input type="checkbox"/> 463 Alien Detainee | <input type="checkbox"/> 820 Copyrights |
| <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) | <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 510 Motions to Vacate Sentence | <input type="checkbox"/> 830 Patent |
| <input type="checkbox"/> 400 State Reapportionment | <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 290 All Other Real Property | TORTS | <input type="checkbox"/> 530 General | <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application |
| <input type="checkbox"/> 410 Antitrust | <input type="checkbox"/> 140 Negotiable Instrument | PERSONAL INJURY | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 535 Death Penalty | <input type="checkbox"/> 840 Trademark |
| <input type="checkbox"/> 430 Banks and Banking | <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 371 Truth in Lending | Other: | <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA) |
| <input type="checkbox"/> 450 Commerce/ICC Rates/Etc. | <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 540 Mandamus/Other | SOCIAL SECURITY |
| <input type="checkbox"/> 460 Deportation | <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 550 Civil Rights | <input type="checkbox"/> 861 HIA (1395ff) |
| <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. | <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits | <input type="checkbox"/> 330 Fed. Employers' Liability | BANKRUPTCY | <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 862 Black Lung (923) |
| <input type="checkbox"/> 480 Consumer Credit | <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement | <input type="checkbox"/> 863 DIWC/DIWW (405 (g)) |
| <input type="checkbox"/> 485 Telephone Consumer Protection Act | <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | FORFEITURE/PENALTY | <input type="checkbox"/> 864 SSID Title XVI |
| <input type="checkbox"/> 490 Cable/Sat TV | <input type="checkbox"/> 195 Contract Product Liability | <input type="checkbox"/> 350 Motor Vehicle | CIVIL RIGHTS | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 865 RSI (405 (g)) |
| <input type="checkbox"/> 850 Securities/Commodities/Exchange | <input type="checkbox"/> 196 Franchise | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 690 Other | FEDERAL TAX SUITS |
| <input type="checkbox"/> 890 Other Statutory Actions | REAL PROPERTY | <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 441 Voting | LABOR | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) |
| <input type="checkbox"/> 891 Agricultural Acts | <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 362 Personal Injury-Med Malpractice | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> 710 Fair Labor Standards Act | <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 |
| <input type="checkbox"/> 893 Environmental Matters | <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 365 Personal Injury-Product Liability | <input type="checkbox"/> 443 Housing/Accommodations | <input type="checkbox"/> 720 Labor/Mgmt. Relations | |
| <input type="checkbox"/> 895 Freedom of Info. Act | <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability | <input type="checkbox"/> 445 American with Disabilities-Employment | <input type="checkbox"/> 740 Railway Labor Act | |
| <input type="checkbox"/> 896 Arbitration | | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 446 American with Disabilities-Other | <input type="checkbox"/> 751 Family and Medical Leave Act | |
| <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision | | | <input type="checkbox"/> 448 Education | <input type="checkbox"/> 790 Other Labor Litigation | |
| <input type="checkbox"/> 950 Constitutionality of State Statutes | | | | <input type="checkbox"/> 791 Employee Ret. Inc. Security Act | |

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

| | | |
|--|--|---|
| <p>QUESTION A: Was this case removed from state court? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.</p> | <p>STATE CASE WAS PENDING IN THE COUNTY OF:</p> <p><input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo</p> <p><input type="checkbox"/> Orange</p> <p><input type="checkbox"/> Riverside or San Bernardino</p> | <p>INITIAL DIVISION IN CACD IS:</p> <p>Western</p> <p>Southern</p> <p>Eastern</p> |
|--|--|---|

| | | |
|---|---|--|
| <p>QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "no," skip to Question C. If "yes," answer Question B.1, at right.</p> | <p>B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →</p> <p>B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →</p> | <p><input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Continue to Question B.2.</p> <p><input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.</p> |
|---|---|--|

| | | |
|---|---|--|
| <p>QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "no," skip to Question D. If "yes," answer Question C.1, at right.</p> | <p>C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →</p> <p>C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →</p> | <p><input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Continue to Question C.2.</p> <p><input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.</p> |
|---|---|--|

| | | | |
|--|----------------------------|---|---|
| QUESTION D: Location of plaintiffs and defendants? | A. Orange County | B. Riverside or San Bernardino County | C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County |
| Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | |
|---|---|
| <p>D.1. Is there at least one answer in Column A? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. →</p> | <p>D.2. Is there at least one answer in Column B? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓</p> |
|---|---|

| | |
|--|--------------------------|
| QUESTION E: Initial Division? | INITIAL DIVISION IN CACD |
| Enter the initial division determined by Question A, B, C, or D above: → | |

QUESTION F: Northern Counties?

Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? Yes No

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

IX(a). IDENTICAL CASES: Has this action been previously filed **in this court**? NO YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed **in this court**? NO YES

If yes, list case number(s): _____

Civil cases are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT): _____

DATE: _____

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

| Nature of Suit Code | Abbreviation | Substantive Statement of Cause of Action |
|---------------------|--------------|--|
| 861 | HIA | All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b)) |
| 862 | BL | All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923) |
| 863 | DIWC | All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g)) |
| 863 | DIWW | All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g)) |
| 864 | SSID | All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended. |
| 865 | RSI | All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g)) |