

UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re TikTok, Inc., Minor Privacy Litigation

In re TikTok Minor Privacy Litigation · No. 2:25-md-03144-GW-RAO · Decided April 11, 2025

SUMMARY

The United States Judicial Panel on Multidistrict Litigation ordered the centralization of six actions alleging that TikTok entities violated the Children's Online Privacy Protection Act and related regulations through the collection and use of minors' personal information. The Panel ordered transfer to the Central District of California for coordinated or consolidated pretrial proceedings and assigned the actions to Judge George H. Wu. The proceeding was designated In re TikTok, Inc., Minor Privacy Litigation, MDL No. 3144.

CASE DETAILS

COURT	United States Judicial Panel on Multidistrict Litigation
WRITING FOR THE COURT	Karen Caldwell; Nathaniel M. Gorton; Matthew F. Kennelly; David C. Norton; Roger T. Benitez; Dale A. Kimball; Madeline Cox Arleo
JURISDICTION	United States Judicial Panel on Multidistrict Litigation
DECIDED	April 11, 2025
DOCKET	2:25-md-03144-GW-RAO
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff in the Northern District of California moved under 28 U.S.C. § 1407 to centralize six related actions concerning TikTok's alleged collection and sale of minors' personal information, alternatively seeking transfer into an existing multidistrict litigation. The Panel considered the papers and held a hearing session.
STANDARD OF REVIEW	Under 28 U.S.C. § 1407, the Panel determines whether actions involve common questions of fact and whether transfer will serve the convenience of parties and witnesses and promote the just and efficient conduct of the litigation.
PRECEDENTIAL VALUE	Procedural multidistrict litigation transfer order; precedential status not stated in the source.
PARTIES	McKissick, on behalf of A.M. v. ByteDance, Inc., ByteDance Ltd., TikTok Ltd., TikTok Inc., TikTok Pte. Ltd., TikTok U.S. Data Security Inc.

TOPICS

civil procedure class actions consumer protection

PRACTICE AREAS

multidistrict litigation civil procedure consumer privacy

QUESTIONS PRESENTED

1. Whether the six actions involve common questions of fact warranting centralization under 28 U.S.C. § 1407.
2. Whether the actions should be included in MDL No. 3047 concerning social-media adolescent addiction and personal-injury products-liability claims.
3. Which federal district should serve as the transferee district for coordinated or consolidated pretrial proceedings.

HOLDINGS

1. The actions involve common questions of fact concerning TikTok's age verification, data-collection and data-use practices, parental-data requests, moderation policies, and compliance with COPPA and related requirements; centralization would promote convenience and the just and efficient conduct of the litigation.
2. The actions should not be included in MDL No. 3047 because that MDL is principally defined by addiction-related allegations involving major social-media platforms, while the actions before the Panel contain no addiction-related contentions.
3. The Central District of California is the most appropriate transferee district for the litigation.

KEY QUOTATIONS

“We find that the Central District of California is the most appropriate transferee district for this litigation.”
(at -2-)

“IT IS THEREFORE ORDERED that the actions listed on Schedule A and pending outside the Central District of California are transferred to the Central District of California and, with the consent of that court, assigned to the Honorable George H. Wu, for coordinated or consolidated pretrial proceedings.” (at -2-)

FACTUAL BACKGROUND

The actions allege that TikTok collects and sells personal information from children without adequate notice, knowledge, or parental consent, in violation of COPPA and the COPPA Rule. The allegations concern TikTok's age-verification procedures, collection and use of data from regular and Kids' Mode accounts, responses to parental requests to access or delete children's data, and moderation practices. Relevant documents and witnesses were expected to be located in the Central District of California, where two defendants were headquartered and a related government action was pending.

PROCEDURAL HISTORY

Six actions were pending in five federal districts, with fourteen additional potentially related actions identified. The moving plaintiff sought centralization in the Northern District of California or inclusion in MDL No. 3047, with the Southern District of Florida offered as an alternative. The Panel denied inclusion in MDL No. 3047, found the Central District of California to be the appropriate transferee district, and transferred the actions outside that district for coordinated or consolidated pretrial proceedings.

DISPOSITION

other

REMAND INSTRUCTIONS

The actions listed on Schedule A that were pending outside the Central District of California were transferred to the Central District of California and, with that court's consent, assigned to Judge George H. Wu for coordinated or consolidated pretrial proceedings.

CASES CITED

- In re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation, 637 F. Supp. 3d 1377, 1378 (J.P.M.L. 2022)
- United States v. Musical.ly, Case No. 2:19-cv-01439 (C.D. Cal.)

OPINION

McKissick, on Behalf of A.M. v. ByteDance, Inc

PER CURIAM.

Apr 11 2025 Mark B. Busby

CLERK, U.S. DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND

FILED

CLERK,U.S. DISTRICT COURT

UNITED STATES JUDICIAL PANEL 4/3/2025

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MULTIDISTRICT LITIGATION Be ery |

2:25-ml-03144-GW-RAQ.

IN RE: TIKTOK, INC., MINOR

PRIVACY LITIGATION MDL No. 3144

TRANSFER ORDER

Before the Panel: Plaintiff in the Northern District of California McKissick action moves under 28 U.S.C. § 1407 to centralize this litigation in the Northern District of California or, alternatively, to

include the actions in MDL No. 3047 — In re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation, which is also pending in that district. Alternatively, he suggests centralization in the Southern District of Florida. This litigation consists of six actions pending in five districts, as listed on Schedule A. In addition, the parties have informed the Panel of fourteen potentially-related actions pending in eight districts.” Though defendants’ and plaintiffs in the consolidated Central District of California actions initially opposed centralization, they now do not oppose centralization in the Central District of California. The remaining responding plaintiffs variously support centralization in the Northern District of California, the Northern District of Florida, the Southern District of Florida, the Eastern District of Louisiana, or the District of New Jersey. On the basis of the papers filed and the hearing session held, we find that these actions involve common questions of fact and that centralization in the Central District of California will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Plaintiffs in all actions allege that TikTok fails to disclose that it collects and sells the personal information of minor children without the minors’ or their parents’ notice, knowledge, or consent, in violation of the Children’s Online Privacy Protection Act of 1998 (COPPA) and Children’s Online Privacy Protection Rule (the COPPA rule). Plaintiffs allege that: (1) TikTok’s An additional action, brought by the United States in the Central District of California, was included in the motion for centralization. The United States filed a brief opposing centralization and its inclusion in the MDL. In reply, movant stated that he no longer seeks inclusion of the action. 2 These and any other related actions are potential tag-along actions. See Panel Rules 1.1(h), 7.1, and 7.2. ByteDance Ltd., ByteDance Inc., TikTok Ltd., TikTok Inc., TikTok Pte. Ltd., and TikTok U.S. Data Security Inc. (together, TikTok). -2- “age gate” is deficient, allowing children under thirteen to create regular TikTok accounts; (2) TikTok collects and sells personal information of users holding these regular accounts, including those who have claimed to be over thirteen but are not; (3) even for children under thirteen with “Kids’ Mode” accounts, TikTok collects more personal information than COPPA allows; (4) defendants’ procedures for responding to parental requests to access or delete children’s data are deficient; and (5) defendants’ moderation policies do not adequately detect or remove information collected from children under thirteen. Factual questions overlap concerning, inter alia, TikTok’s age verification procedures; its practices for data collection and use; its procedures for responding to parental requests to access or delete children’s data; its moderation policies regarding children under thirteen; and its compliance with COPPA, the COPPA rule, and the 2019 stipulated order entered in a previous action brought by the United States in the Central District of California. See *United States v. Musical.ly*, Case No. 2:19-cv-01439 (C.D. Cal.). - We are not persuaded that these actions should be included in MDL No. 3047 (though, at oral argument, it seemed proponents of including the actions in MDL No. 3047 had largely abandoned that position). While the personal injury plaintiffs allege that TikTok (along with the other defendant social media companies) knowingly collects personal information from children under age thirteen without informing parents or obtaining parental consent in violation of

COPPA, those allegations are a minor piece of an expansive litigation involving five major social media platforms and multiple tracks of plaintiffs. See Pl.'s Second Amended Master Comp. (Personal Injury), MDL No. 3047 (N.D. Cal. Dec. 15, 2023), ECF No. 494 at § { 1009-1010. MDL No. 3047 has been defined by allegations that defendants' social media platforms are designed to be addictive to adolescent users, causing harm. See *In re» Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, 637 F. Supp. 3d 1377, 1378 (J.P.M.L. 2022). While the existing MDL involves some additional allegations, such as those regarding defendants' age verification procedures, we are not aware of any actions that are a part of MDL No. 3047 that do not involve addiction-related allegations. The data privacy actions now before Panel contain no addiction-related contentions. . We find that the Central District of California is the most appropriate transferee district for _this litigation. Two of the TikTok defendants are headquartered in the district, and it is undisputed that relevant documents and witnesses will be found there. The government action, which overlaps - considerably with the actions before the Panel, was filed in this district. We assign these data "privacy class actions to the Honorable George H. Wu, who has considerable MDL experience but is not currently presiding over an MDL. We are confident he will steer this litigation on a prudent and expeditious course. 23). IT IS THEREFORE ORDERED that the actions listed on Schedule A and pending outside the Central District of California are transferred to the Central District of California and, with the consent of that court, assigned to the Honorable George H. Wu, for coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

Karen - Caldwell □ oe + Chair Nathaniel M. Gorton Matthew F. Kennelly David C. Norton Roger T. Benitez Dale A. Kimball Madeline Cox Arleo □

IN RE: TIKTOK, INC., MINOR

PRIVACY LITIGATION MDL No. 3144

SCHEDULE A

Central District of California

A.A., ET AL. v. BYTEDANCE, INC., ET AL., C.A. No. 2:24—06784

JODY VILLANUEVA, ET AL. v. BYTEDANCE, INC., ET AL., C.A. No. 2:24-07922

Northern District of California

MCKISSICK, ON BEHALF OF A.M. v. BYTEDANCE, INC., ET AL.,

C.A. No. 3:24-08051 _2:25-ev-03118-GW-RAO _ Northern District of Florida

HUMBERT, ET AL. v. BYTEDANCE, INC., ET AL., C.A. No. 5:24-00236

2:25-cv-03119-GW-RAO Western District of Missouri

MIDDLETON v. TIKTOK, INC., ET AL., C.A. No. 4:24-00742

2:25-ev-03120-GW-RAO District of New Jersey

LANSER v. BYTEDANCE, INC., ET AL., C.A. No. 2:24-10818

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