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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TIKTOK INC.,

Plaintiff,

Case No. _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

ROB BONTA, in his official capacity as Attorney General of California,

Defendant.

INTRODUCTION

1. The TikTok platform is where people discover things they love, build
 2 communities, and express themselves.¹ What those things are and what those communities may
 3 be varies by individual, but at its core, the platform's mission is always "to inspire creativity and
 4 bring joy."² Like many providers of online platforms, Plaintiff TikTok Inc. ("TikTok") provides
 5 a platform where people can share content with each other on topics "as diverse as human
 6 thought." *Reno v. ACLU*, 521 U.S. 844, 870 (1997). Unlike many platforms, which focus on
 7 individuals' interactions with friends and family, the TikTok platform is focused on curating and
 8 promoting content made by creators with whom a person may have no pre-existing relationship.
 9 In keeping with its mission, the TikTok platform allows people to engage with ideas, pursue their
 10 passions, and find their digital communities.

12. Critical to the TikTok experience is TikTok's ability to curate the third-party
 13 content it shows people on the platform in a way that reflects both TikTok's editorial judgments
 14 and individuals' content preferences. The TikTok platform is one of the most widely used online
 15 entertainment platforms in the United States, with more than 170 million monthly users in the
 16 United States and 1 billion users worldwide. With millions of people on the platform come
 17 massive volumes of content. In 2025 alone, people on the TikTok platform in the United States
 18 uploaded more than 7 billion videos, which were viewed more than 17 trillion times in the United
 19 States and abroad. No single person could possibly sift through all of that content, much less
 20 identify content that they would enjoy.

21. So TikTok curates that content for them. When a person opens the TikTok app,
 22 they are shown the For You feed, a collection of videos assembled by the platform and
 23 specifically chosen for each individual person. Videos recommended in the For You feed are the
 24 result of countless expressive choices made by TikTok, all centered on publishing interesting,
 25 informative, enjoyable, and relevant content. That compilation is more than the sum of its
 26 individual parts. As the Supreme Court recently recognized, "[d]eciding on the third-party speech

27. ¹ "The TikTok platform" refers to the TikTok platform in the United States.

28. ² TikTok, *About*, <https://www.tiktok.com/about?lang=en> (last visited Nov. 13, 2025).

1 that will be included in or excluded from a compilation—and then organizing and presenting the
 2 included items—is expressive activity of its own. And that activity results in a distinctive
 3 expressive product” that is protected by the First Amendment. *Moody v. NetChoice, LLC*, 603
 4 U.S. 707, 731 (2024). The State can no more dictate how platforms make such editorial decisions
 5 than it can tell a newspaper which articles to present or how to present them.

6 4. California’s Protecting Our Kids from Social Media Addiction Act does exactly
 7 that. Purportedly addressing concerns about how much time minors spend on social media
 8 platforms, the Act assumes that all personalized feeds—that is, feeds keyed to a person’s
 9 previously expressed preferences—are “addictive.” *See* Cal. Health & Safety Code § 27000.5(a).
 10 Based on that assumption, the Act’s “personalized-feed provisions” forbid social media
 11 platforms—but not other digital or other media, such as Netflix or the New York Times—from
 12 allowing minors to access personalized feeds absent verifiable parental consent. *See id.*
 13 §§ 27001(a), 27002(b)(2), 27002(b)(4). And although the Act recognizes that “[s]ocial media
 14 provides an important tool for communication and information sharing,” this prohibition applies
 15 to all users who register as under the age of 18 and all content, regardless of its educational,
 16 political, or entertainment value. That, as free speech groups noted in opposing the law, cannot
 17 be squared with the Constitution.

18 5. While the particular provisions of the Act may be new, the impetus behind it—and
 19 the need for courts to reaffirm constitutional limits—are not. Beginning with “dime novels,”
 20 “[r]adio dramas,” “movies,” “comic books,” “television,” “music lyrics,” or “video games,” states
 21 have tried time and time again to regulate new forms of expression based on concerns about harm
 22 to minors, and courts have time and time again struck those regulations down when, as they often
 23 do, they conflict with the First Amendment. *Brown v. Ent. Merchs. Ass’n*, 564 U.S. 786, 797-98
 24 (2011). In so doing, courts have recognized both that minors “are entitled to a significant
 25 measure of First Amendment protection” and that states lack “a free-floating power to restrict the
 26 ideas to which children may be exposed.” *Id.* at 794 (cleaned up). Those protections apply with
 27 particular force when laws impeding minors’ access to speech may also affect adults’ access to
 28

1 speech. *See Ashcroft v. ACLU*, 542 U.S. 656, 667 (2004).

2 6. Applying those constitutional rules of the road, courts throughout the country have
 3 enjoined similar laws restricting minors' access to online speech in the name of minor safety.
 4 *See, e.g., NetChoice, LLC v. Yost*, 778 F. Supp. 3d 923 (S.D. Ohio 2025) (permanently enjoining
 5 parental-consent law), *appeal docketed*, No. 25-3371 (6th Cir. May 13, 2025); *NetChoice, LLC v.*
 6 *Griffin*, 2025 WL 978607 (W.D. Ark. Mar. 31, 2025) (permanently enjoining age-verification and
 7 parental-consent law); *NetChoice, LLC v. Fitch*, 787 F. Supp. 3d 262 (S.D. Miss. 2025)
 8 (preliminarily enjoining age-verification and parental-consent law), *appeal docketed*, No. 25-
 9 60348 (5th Cir. June 26, 2025); *NetChoice, LLC v. Reyes*, 748 F. Supp. 3d 1105 (D. Utah 2024)
 10 (enjoining age-assurance, parental-consent, and notifications-limiting law), *appeal docketed sub*
 11 *nom. NetChoice v. Brown*, No. 24-4100 (10th Cir. Oct. 11, 2024).

12 7. In previous rulings, the Ninth Circuit and this Court have already properly
 13 enjoined other portions of the Act because they likely violate the First Amendment. *See*
 14 *NetChoice, LLC v. Bonta*, 152 F.4th 1002, 1025 (9th Cir. 2025) ("NetChoice II") (enjoining like-
 15 count default setting); *NetChoice v. Bonta*, 761 F. Supp. 3d 1202, 1232 (N.D. Cal. 2024)
 16 ("NetChoice I") (enjoining notification and disclosure requirements), *aff'd in part, rev'd in part*
 17 and remanded *sub nom. NetChoice, LLC v. Bonta*, 152 F.4th 1002 (9th Cir. 2025). While this
 18 Court and the Ninth Circuit declined to uphold facial and as-applied challenges at the
 19 preliminary-injunction stage based on the limited factual record before them about how
 20 personalized feeds function company by company, no court has yet determined whether the Act's
 21 personalized-feed provisions are unconstitutional as applied to any particular online platform.

22 8. This Court should do so now because the personalized-feed provisions are plainly
 23 unconstitutional as applied to TikTok. By conditioning teens' ability to access any personalized
 24 feeds on verifiable parental consent, and by prohibiting TikTok, absent such consent, from
 25 considering teens' expressed preferences or other information provided by them or associated
 26 with their devices when curating content, the personalized-feed provisions regulate the content of
 27 free expression, discriminate among similarly situated speakers, and impose unconstitutional
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1 burdens on First Amendment-protected activity by TikTok and the people on its platform. *Cf.*
 2 *Warth v. Seldin*, 422 U.S. 490, 501 (1975) (plaintiff with standing to assert own constitutional
 3 rights can seek relief on basis of legal rights and interests of others); *Computer & Commc 'ns*
 4 *Indus. Ass 'n v. Uthmeier*, No. 4:24-CV-438, --- F.Supp.3d ---, 2025 WL 1570007, at *9 (N.D.
 5 Fla. June 3, 2025) (citing *Warth* for similar proposition).

6 9. Specifically, the Act burdens TikTok's and individuals' expressive interests by
 7 fundamentally altering how TikTok interacts with people on the platform and vice versa. If
 8 forced to exclude teens' own interests and information, TikTok would be limited to showing
 9 content that, while popular, may be of no interest to the individual person. That privileges
 10 popular views over unpopular ones, and lets minority viewpoints be potentially drowned out. It
 11 also fundamentally alters the TikTok experience. Part of what makes TikTok TikTok is that it
 12 introduces people to content that it believes will interest them by creators to whom the person
 13 may have no pre-existing social connection. A seventeen-year-old who goes to TikTok to learn
 14 new things, encounter new communities, and find new voices will be deprived of the primary way
 15 TikTok facilitates that discovery, unless and until he or she gets parental consent to do so. That,
 16 simply put, is unconstitutional.

17 10. Strict scrutiny applies to the Act's content- and speaker-based restrictions on
 18 speech, but the personalized-feed provisions cannot survive any level of First Amendment
 19 scrutiny. TikTok recognizes and shares the State's interest in protecting minors, but that general
 20 interest does not support the particular prohibitions here. Indeed, even if it did, there are less
 21 restrictive (and more direct) means of achieving that goal, including existing features on the
 22 TikTok platform. Features like Family Pairing already allow parents to supervise teens' use of
 23 the platform, including how much time they spend on it, what they can see, how they can engage
 24 with it, and who they interact with on it.

25 11. The personalized-feed provisions also fail because they are simultaneously
 26 overinclusive (they restrict access to all personalized-feed content, not only potentially harmful
 27 content, and apply the same standards to thirteen-year-olds and seventeen-year-olds) and

underinclusive (they allow access to personalized feeds on other media, like Netflix and the news, and on social media itself so long as one parent approves).

12. The Act flatly bans TikTok from disseminating certain editorial content—personalized feeds—to teens absent consent. That content-based prohibition nevertheless does not rest on a claim that any particular content in a personalized feed is, standing alone, obscene or otherwise harmful to minors. Instead, the law, by default, bars TikTok from communicating the specific message it wants to communicate (a personalized feed) to its intended audience (the person for which the feed was specifically curated and created). And the fact that a parent can consent to personalized feeds does not cure the constitutional problem. Although the government may, of course, protect parental rights, “it does not follow that the state has the power to prevent children from hearing or saying anything without their parents’ prior consent.” *Brown*, 564 U.S. at 795 n.3 (emphasis omitted).

13. For these reasons and more, this Court should declare Sections 27001(a), 27002(b)(2), and 27002(b)(4) of the Act unconstitutional as applied to TikTok and enjoin the Attorney General of California from enforcing the challenged provisions against TikTok. And although other provisions of the Act were already enjoined from enforcement in *NetChoice v. Bonta*, to ensure clarity, the Court should also confirm that those provisions violate the First Amendment as applied to TikTok and thus cannot be enforced against it. *NetChoice I*, 761 F. Supp. 3d at 1232 (enjoining enforcement of Cal. Health & Safety Code §§ 27002(a), 27002(b)(1), and 27005 [restrictions on sending minors notifications and requirement that companies annually disclose number of minors that user service]); *NetChoice II*, 152 F.4th at 1025 (enjoining enforcement of Cal. Health & Safety Code § 27002(b)(3) [like-count default setting]).

PARTIES

14. Plaintiff TikTok Inc. is a California corporation with its principal place of business in Culver City, California. TikTok Inc. provides the TikTok platform in the United States.

15. Defendant Rob Bonta is the Attorney General of the State of California and is named in his official capacity. The Act grants the California Attorney General exclusive

1 authority to enforce its provisions. § 27006(a).

2 JURISDICTION AND VENUE

3 16. This Court has personal jurisdiction over Defendant acting in his official capacity
4 because it has personal jurisdiction over the State, and Defendant performs his duties as
5 California Attorney General in this State.

6 17. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and
7 1343(a). This Court has authority to grant legal and equitable relief under 42 U.S.C. § 1983,
8 injunctive relief under 28 U.S.C. § 1651, and declaratory relief under 28 U.S.C. § 2201(a).

9 18. Venue is proper in this District under 28 U.S.C. § 1391(b)(1). Defendant has
10 offices in and performs his duties as California Attorney General in this District, and thus resides
11 there.

12 FACTUAL BACKGROUND

13 19. The TikTok platform enables people to discover, create, share, and view content.
14 People on the TikTok platform can experience content on topics ranging from philosophy to
15 fashion, talk about that content with other people on the platform, and find others who share their
16 interests. TikTok seeks to bring its mission to “inspire creativity and bring joy” to life through
17 the services it provides, the content it cultivates and recommends, the communities it creates, and
18 the Community Guidelines it uses to keep the TikTok platform a safe and positive experience.

19 20. People on the TikTok platform primarily engage with it by creating and sharing
20 videos, as well as watching and interacting with videos recommended to them by the platform.
21 Although other platforms also allow people to post and share videos, the TikTok platform differs
22 in an important respect: The TikTok experience is centered on discovering new content. The
23 TikTok platform is designed to curate and promote content made by creators that a person has no
24 pre-existing relationship with, based on individuals’ personal preferences and TikTok’s editorial
25 choices about the content it thinks people might enjoy.

26 21. The TikTok platform thus places an enormous array of content at people’s
27 fingertips. To take just a few examples, the platform might recommend videos to a person that
28

1 feature celebrities like the Rock, provide reviews of the latest music release from pop stars like
 2 Sabrina Carpenter, or allow the individual to keep up with some of the world's most popular
 3 sports teams like FC Barcelona. The platform also recommends videos that allow people to see
 4 the latest updates on current events from major news organizations like CNN, or learn new things
 5 from educational accounts like the Carnegie Mellon Museum of Natural History. Not all of these
 6 options will be of equal (or indeed any) interest to everyone.

7 22. TikTok's ability to personalize experiences on the platform is what makes such a
 8 wide range of content accessible, enjoyable, and appropriate. Through the various systems and
 9 processes TikTok has to review and recommend content, TikTok accounts for indicators that a
 10 person might find a particular video informative or interesting and can find content that a
 11 particular individual wants to watch and that it wants to show to that person, even among the
 12 billions of videos that get posted to the platform every year.

13 23. That process allows people to both watch content that they might have sought out
 14 on their own and discover content they would otherwise never find. For example, if a person
 15 tends to watch chemistry-related videos posted by Encyclopedia Britannica, their For You feed
 16 might recommend a video by Chem Teacher Phil, a creator previously unknown to the person.
 17 This feedback loop between an individual's express and implied preferences and available
 18 content results in a feed that incorporates expressive choices by both the platform and the
 19 individual. In turn, this inspires and fosters creativity from creators, who may be discovered even
 20 if they are not already popular.

21 24. **TikTok engages in protected speech through creating personalized feeds.**
 22 Identifying videos that a particular person might be interested in is done primarily through the
 23 platform's For You feed, which presents a collection of videos curated by TikTok. The For You
 24 feed is central to the TikTok experience and one of the defining features of the platform that
 25 makes it successful. The majority of video views on the TikTok platform are through the For
 26 You feed, but other personalized feeds—including the STEM feed, Explore feed, and the Friends
 27 feed—offer additional ways for people to discover new content. The content recommended in an
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1 individual's For You feed is based on, among other factors, TikTok's assessment of what content
 2 aligns with its own Community Guidelines and editorial priorities, that individual's interests, and
 3 how the individual interacts with the content TikTok presents to them. While individual
 4 preferences are considered, they are not the sole factor that determines the composition of any
 5 individual's For You feed.

6 25. In this way, TikTok "engages in expression" by providing "feeds" that are
 7 "personalized" to each individual. *Moody*, 603 U.S. at 716, 734. "Of the billions of posts or
 8 videos (plus advertisements) that could wind up in a user's customized feed or recommendation
 9 list," TikTok ensures that "only the tiniest fraction do." *Id.* at 734. TikTok curates and
 10 personalizes people's video feeds in three key ways: (1) content moderation, (2) a proprietary
 11 recommendation system, and (3) video promotion and filtering. All three mechanisms involve
 12 human decisions about what content to publish, recommend, and promote, although they use
 13 technology to varying degrees as a tool to implement those decisions at scale. But the use of
 14 technology to effectively implement editorial judgments no more strips those judgments of their
 15 constitutional protections than would the use of a printing press instead of a pen.

16 26. *Content Moderation.* The first process TikTok uses to curate personalized feeds is
 17 content moderation based on a set of Community Guidelines, a publicly available collection of
 18 rules and standards that apply to all TikTok users and content.³ The Guidelines are designed to
 19 help TikTok achieve its goal of creating a platform "where people discover things they love, build
 20 communities, and express themselves."⁴ TikTok creates and refines the Community Guidelines
 21 in consultation with third-party experts, including the U.S. Content Advisory Council and the
 22 industry's first Youth Council.⁵ The Content Advisory Council brings together groups of experts
 23 who help TikTok develop forward-looking policies and processes to help create a safe and
 24 enjoyable platform for all involved.

25
 26 ³ TikTok, *Community Guidelines*, <https://www.tiktok.com/community-guidelines/en> (effective
 27 Sept. 13, 2025) ("Community Guidelines") (under "Overview").

28 ⁴ *Id.*

29 ⁵ TikTok, *Engaging our Advisory Councils* (last visited Nov. 10, 2025),
 30 <https://www.tiktok.com/transparency/en-us/advisory-councils/> (last visited Nov. 13, 2025).

1 27. The Community Guidelines address what is permitted on the TikTok platform, as
 2 well as what content is eligible for recommendation in the For You feed. They are guided by
 3 eight principles, including preventing harm, encouraging kindness and respect, respecting local
 4 cultures, and supporting expression.⁶ In keeping with those principles, the Community
 5 Guidelines prohibit, among other things, nudity; promotion of or incitement of violence;
 6 promotion of criminal activities; hate speech, hateful ideology, and hateful behaviors; animal
 7 abuse; and harassment and bullying.⁷ The Community Guidelines also outline policies against
 8 misinformation.⁸

9 28. TikTok uses both human and technology-based content moderation to implement
 10 those Guidelines. All user-generated content uploaded to the TikTok platform first goes through
 11 an automated moderation system—one developed, monitored, and refined by employees—before
 12 it appears on the platform. While undergoing this review, the content is visible only to the
 13 uploader. If the automated moderation technology identifies content that is a potential violation
 14 of the Community Guidelines, it will either take action against the content or flag it for review by
 15 human moderation teams. When it identifies a clear-cut content violation—for example, content
 16 that depicts graphic violence—the automated moderation technology removes it from the
 17 platform without the need for human review. If it is ambiguous whether content violates the
 18 Community Guidelines, it is escalated to human moderators.

19 29. If a moderator determines that content violates the Community Guidelines,
 20 appropriate enforcement action is taken. Content that a moderator determines is outright
 21 prohibited by the Guidelines will be entirely removed from the platform. Content that a
 22 moderator determines is not prohibited, but may be unsuitable for a broader audience, will be
 23 deemed ineligible for recommendation in the For You feed and/or downranked in the platform's
 24 search function so it is difficult to find. Content might also be tagged as potentially not
 25 appropriate for people who register as under 18, in which case the content would not be viewable

26 ⁶ Community Guidelines (under “Community Principles”).

27 ⁷ *Id.* (under “Safety and Civility” and “Sensitive and Mature Themes” headings).

28 ⁸ *Id.* (under “Integrity and Authenticity”).

1 to any person who registers as under the age of 18 on the platform.

2 30. Over 189 million videos were removed from the platform for violating the
 3 Community Guidelines between April and June 2025.⁹ Over that same time frame, more than
 4 99% of the content TikTok removed for violating the Community Guidelines was taken down
 5 before someone reported it, and 90% of all videos removed for violating the Community
 6 Guidelines were never viewed by a single user.¹⁰ Statistics regarding enforcement of the
 7 Community Guidelines are published quarterly on the TikTok platform's website.¹¹

8 31. TikTok also takes steps to limit access to content that does not strictly violate
 9 Community Guidelines, but that TikTok otherwise decides may not be appropriate for a broad
 10 audience. For example, content depicting adults smoking cigarettes may not violate the
 11 Community Guidelines, but is not eligible for recommendation on the For You feed. Likewise,
 12 videos that some people might find distressing but involve a matter of public interest are covered
 13 by "opt-in viewing screens" that warn the viewer that the video may contain sensitive material.
 14 Those videos are also ineligible for recommendation in the For You feed.

15 32. *Recommendation System.* The second process TikTok uses to personalize video
 16 feeds is content recommendation. Content is recommended to people through TikTok's
 17 proprietary recommendation system, a sorting and ranking mechanism designed, and constantly
 18 updated, by employees created to select and recommend videos for an individual's For You feed.
 19 In the United States, the recommendation system is deployed by TikTok U.S. Data Security Inc.
 20 ("USDS"), a special purpose subsidiary of TikTok that controls access to protected U.S. user data
 21 and monitors the security of the U.S. platform.

22 33. To determine what content the TikTok platform presents to a particular person, the
 23 recommendation system analyzes various signals from the individual and others, such as their
 24 likes, comments, and what they watch, then matches those signals to the content the TikTok

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 26 ⁹ TikTok, *Community Guidelines Enforcement Report* (Apr.-June 2025),
 27 <https://www.tiktok.com/transparency/en-us/community-guidelines-enforcement-2025-2> (last
 28 visited Nov. 13, 2025) (under "Total removals and restorations, by content type" heading).

10 ¹⁰ *Id.* (under "Safety" heading).

11 ¹¹ See generally, e.g., *id.*

1 platform has determined is eligible for recommendation in the For You feed. At a high level, a
2 pool of candidate videos is identified for a person, then the recommendation system scores and
3 ranks those videos to determine which particular video would be most interesting and informative
4 to that individual. Content that violates the Community Guidelines or is otherwise ineligible for
5 recommendation in the For You feed is excluded from the candidate pool.

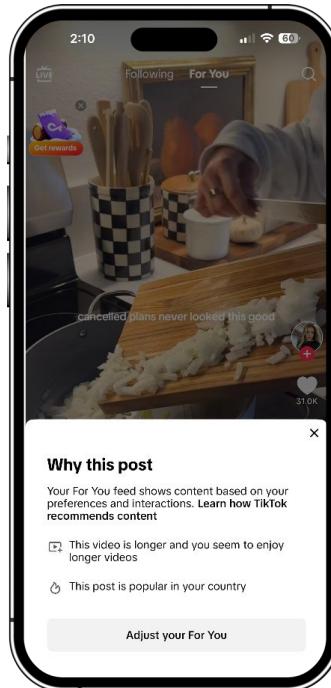
6 34. Employees designed the models to consider a variety of factors when attempting to
7 identify videos for an individual's For You feed, including engagement or activity information
8 (like video playtime, likes, shares accounts followed, comments, and content created), account
9 and device information (such as language preference and country setting), and video information
10 (such as captions, sounds, and hashtags), that determine how videos are ranked. The factors
11 considered each reflect TikTok's editorial judgments about what third-party content should
12 appear in people's feeds. And TikTok may adjust how the system considers different factors
13 depending on, among other things, how a factor will further TikTok's mission and business goals.

14 35. The development of the recommendation system is an ongoing process, evolving
15 as employees refine models; reassess influential factors based on people's feedback, research, and
16 data analysis; and optimize the system to better reflect TikTok's expressive choices. For
17 example, employees may refine the model so the platform's feeds attract a broad array of
18 individuals and to serve those already on the platform more informative and useful content, in
19 addition to content that is enjoyable and entertaining. The overarching goal of the model's
20 refinement remains the same: to optimize the TikTok platform to inspire creativity and joy among
21 those on the platform.

22 36. The recommendation system is critical to the TikTok platform and reflects
23 TikTok's unique expressive choices about what content to present and how to present it. Without
24 this personalization, people would likely see content that they are not interested in or that is not
25 appropriately tailored to them. For example, if TikTok's decisions about what content to
26 recommend to a particular person could be driven only by what is popular, a person's feed might
27 show only content reflecting majority views and disfavor or silence minority perspectives. In that
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1 scenario, a platform designed to help people find their community could no longer serve its
 2 expressive purpose. That these feeds also reflect particular platforms' expressive choices and
 3 editorial judgments is obvious from the fact that the same person will see different personalized
 4 feeds on TikTok, Instagram, and Bluesky. Each platform's feeds reflect its own editorial
 5 judgments about how to compile third-party content for each person. For example, TikTok
 6 personalizes content to inspire creativity and bring joy.¹² Other platforms personalize content to
 7 foster "open and decentralized public conversation" or to enable people to "connect with friends
 8 and family."¹³

9 37. In an effort to help people understand why content might be recommended in their
 10 personalized feed, the TikTok platform gives people context for those decisions.¹⁴ Sample
 11 reasons include: "You commented on, liked, shared, or watched similar posts"; "This post is
 12 popular in your country"; "This post was created recently"; "This video is longer, and you seem
 13 to like longer videos"; and "You're following the creator."

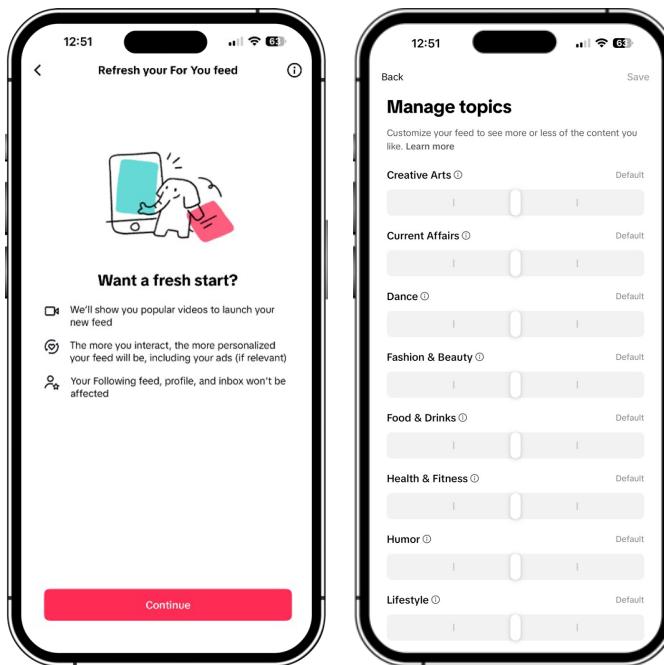


25 ¹² See Community Guidelines (under "Overview").

26 ¹³ See *About Bluesky*, Bluesky (last visited Nov. 13, 2025), <https://bsky.social/about/faq> (under
 27 "What is the relationship between Bluesky and Twitter?"); Meta, *Community Standards* (last
 visited Nov. 13, 2025), <https://transparency.meta.com/policies/community-standards/>.

28 ¹⁴ TikTok Newsroom, *Learn why a video is recommended For You* (Dec. 20, 2022),
<https://newsroom.tiktok.com/en-us/learn-why-a-video-is-recommended-for-you>.

1 38. The TikTok platform also allows people to provide feedback that shapes the
 2 content that they see. For example, a person can tap a button on a video that says “Not
 3 interested” or refresh their For You feed. An individual can also provide filter words to reduce or
 4 help eliminate certain kinds of content, and adjust preference for subject matter categories as
 5 well. And the platform advises people that they can help avoid certain categories of content by
 6 not interacting with it—for instance, by scrolling past it quickly.¹⁵



1 39. *Video Promotion and Filtering.* Video promotion and filtering is the third process
 2 for determining which content is shown to people on the TikTok platform. As part of that
 3 process, TikTok may promote specific content—for example, highlights from the Super Bowl or
 4 videos from a Taylor Swift concert. Employees hand-select individual video categories that they
 5 want to promote and submit a request to do so. Each request to promote a video in the United
 6 States is manually reviewed by a U.S.-based reviewer.

24 40. TikTok abides by several guiding principles as the foundation for all of its editorial
 25 practices on the platform, including video promotion. These principles include emphasizing
 26 quality and safeguarding an authentic experience. To uphold these principles, the TikTok

27 ¹⁵ TikTok Support, *How TikTok recommends content*,
 28 https://www.tiktok.com/support/faq_detail?id=7543897458892577336&category=web_using_tiktok (last visited Nov. 13, 2025).

1 platform tries to elevate content that is original, educational, trustworthy and reliable, current and
 2 trending, positive and engaging, and high quality.

3 41. The TikTok platform also applies rules to filter out and disperse certain content—
 4 *i.e.*, to prevent the For You feed from showing one video after another about the same subject and
 5 to make the platform more enjoyable and safer, while supporting commercial goals. For example,
 6 TikTok created rules that prioritize content from the same country a person is in, avoid
 7 duplication, and ensure appropriate video length. Rules like these are intended to filter out
 8 content that is low quality (like extremely short videos) and disperse content (like videos about
 9 the same subject) to create a more enjoyable experience.

10 42. The TikTok platform seeks to include a mix of content in a person’s feeds to avoid
 11 or interrupt repetitive patterns. This is intended to prevent people from seeing videos only about
 12 a particular topic, rather than discovering new interests like TikTok intends. As part of this
 13 practice, the TikTok platform tries to identify and disperse content that, when viewed sparingly is
 14 not harmful, but may not be healthy to review excessively. Examples are extreme exercise and
 15 mental health videos.

16 43. *Other feeds.* Although people interact with the TikTok platform primarily through
 17 the For You feed, other feeds also allow them to explore content in a personalized way. For
 18 example, a person can view a feed based on creators they like, such as the “Following” feed,
 19 which shows content exclusively from creators that person chooses to follow. Or they can view
 20 content in the “Friends” feed, which shows videos from creators that the person follows and the
 21 creator has followed back. In addition, people can view feeds based on their searches or
 22 comments. For instance, if a person searches for “painting,” they can receive a feed of videos
 23 about painting sorted based on a combination of factors, including relevance to the person’s
 24 search query and other peoples’ level of engagement with the video. People can also view feeds
 25 based on a particular topic, like the “STEM” feed, which displays content related to science,
 26 technology, engineering, and mathematics. These feeds operate in fundamentally the same way
 27 as the For You feed, with different rules, signals, and filters governing which videos are
 28

recommended.

44. **TikTok facilitates the protected speech of others through personalized feeds.**

In addition to engaging in protected speech itself, the TikTok platform’s personalized feeds allow people “to gain access to information[,] communicate with one another,” and “engage in a wide array of protected First Amendment activity.” *Packingham v. North Carolina*, 582 U.S. 98, 105, 107 (2017); *Reno*, 521 U.S. at 870.

45. Teens and adults alike use the TikTok platform to engage in speech that is entitled to First Amendment protection. In creating videos and responding to content posted by others, people can take positions and engage with others on political, social, economic, educational, religious, and cultural topics, all of which are protected by the First Amendment. *See Packingham*, 582 U.S. at 105, 107; *NetChoice, LLC v. Yost*, 716 F. Supp. 3d 539, 557 (S.D. Ohio 2024); *NetChoice, LLC v. Griffin*, 2023 WL 5660155, *5-6 (W.D. Ark. Aug. 31, 2023).

46. The TikTok platform’s personalized feeds also facilitate protected First Amendment activity by expanding the audience creators can reach and the creators from whom people on the platform can hear. The First Amendment protects not only the right to speak and associate, but also “the right to receive information and ideas.” *Stanley v. Georgia*, 394 U.S. 557, 564 (1969); *see also Sorrell v. IMS Health Inc.*, 564 U.S. 552, 570 (2011) (“An individual’s right to speak is implicated when information he or she possesses is subjected to restraints on the way in which the information might be used or disseminated.” (quotation marks omitted)). Receiving information and ideas is “fundamental to our free society,” regardless of the “social worth” of the content at issue. *Stanley*, 394 U.S. at 564 (collecting cases); *see also Martin v. City of Struthers*, 319 U.S. 141, 143 (1943) (First Amendment “necessarily protects the right to receive” information).

47. The TikTok platform’s personalized feeds make all of this constitutionally protected activity possible. Indeed, creators join the TikTok platform because of its personalized content. The TikTok platform’s ability to facilitate content discovery through organic reach allows creators access to a large number of people—beyond their current universe of followers—

1 without any paid promotion. It also allows people on the platform access to content created by a
 2 wide range of individuals, meaning that it is not unusual for videos created by everyday people to
 3 receive thousands, or even millions, of views. And people on the platform and creators both
 4 value their ability to speak to and learn from an international audience. Barring TikTok from
 5 offering personalized feeds to whole groups of people absent parental consent would interfere
 6 with the ability to form and foster these communities.

7 48. Personalization is critical to all of these aspects of the TikTok experience. Take
 8 two alternatives to personalization: If a platform shows people content based on, for example,
 9 overall popularity, that would favor creators who hold the majority view, potentially drowning
 10 out creators with minority views and limiting variety of thought. If it shows people content in a
 11 chronological feed, people will experience posts and content from accounts that post the most, not
 12 necessarily accounts they want to see the most. Individual creators' posts and content will be
 13 drowned out by brands and influencers employing teams of people to post throughout the day.
 14 And posters can game a chronological feed to spread more low-quality content.

15 49. Indeed, when given a choice, people on the platform almost unanimously choose
 16 personalized feeds. In Europe, where a non-personalized feed option is available, only a tiny
 17 fraction of people have actually selected it—a testament to the importance of personalization in
 18 creating the TikTok platform's vibrant community. That people prefer the content they see to be
 19 relevant to them is not intrinsically bad, despite the Act's assumption that all feeds that account
 20 for peoples' preferences are "addictive." *See* § 27000.5(a). To the contrary, there are good
 21 reasons for that preference—and for allowing platforms like TikTok to convey content the way
 22 people want.

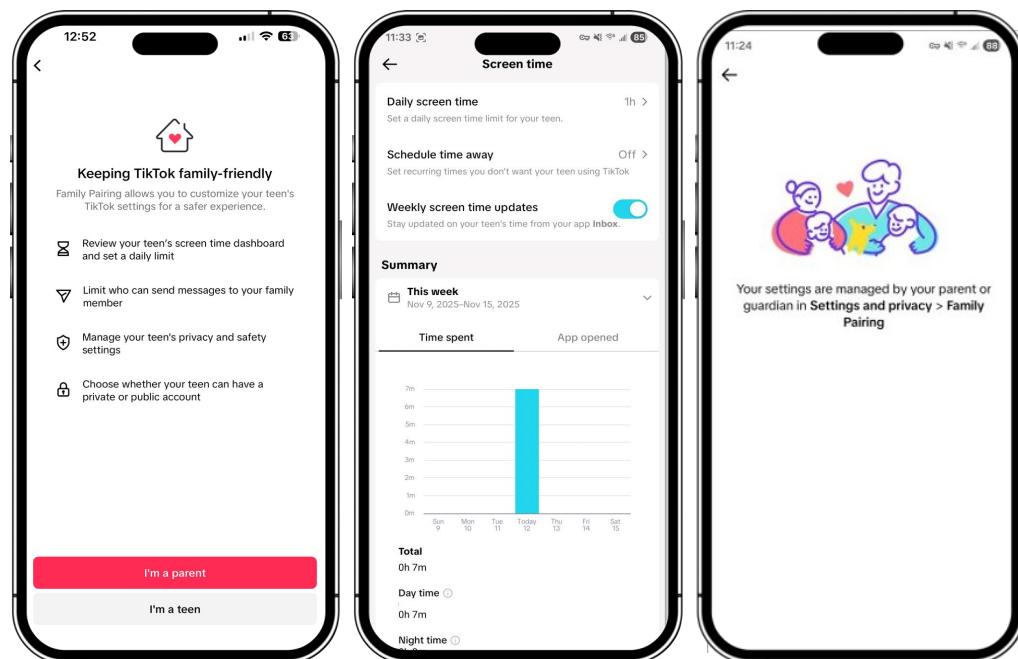
23 50. **Existing options for parental consent and oversight.** Parents, guardians, and
 24 other caregivers have many existing options to manage their teen's online experiences on the
 25 TikTok platform. *See NetChoice, LLC v. Bonta*, 113 F.4th 1101, 1121 (9th Cir. 2024); *Griffin*,
 26 2023 WL 5660155, at *6-8.

27 51. As an initial matter, parents can decide when and whether to let their teens use the
 28

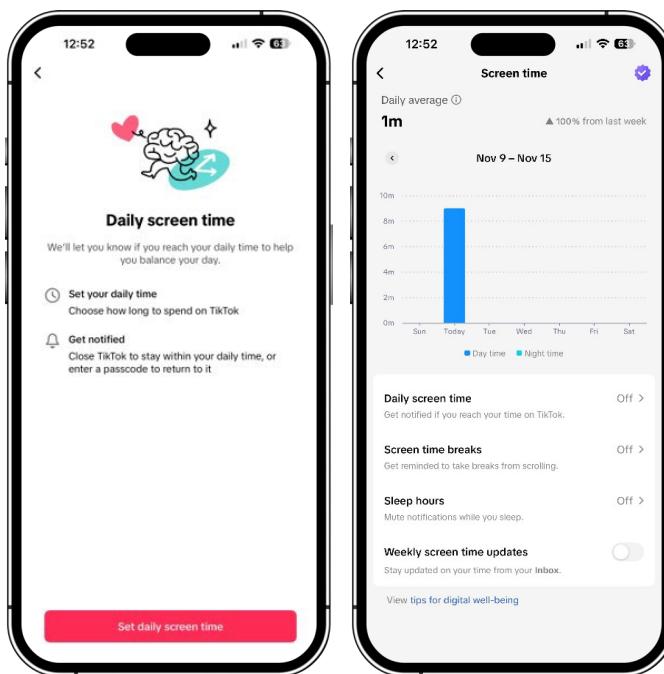
1 TikTok platform.

2 52. The TikTok platform also offers tools and information to enable parents and
 3 guardians to supervise their teens' online experience. In particular, the TikTok platform provides
 4 a suite of features that allows teens and their parents to manage the time that they spend on the
 5 platform, as well as what they see, and how and with whom they interact. Those features and
 6 information enable parents and teens to craft (and adapt over time) what works for their family,
 7 rather than imposing a categorical rule.

8 a. **Family Pairing:** Family Pairing allows parents and guardians to customize their
 9 teens' safety settings based on what they deem appropriate for their family by linking their
 10 account to their teen's account. Through Family Pairing, parents can set daily screen time limits
 11 or schedule breaks, see summaries of their teen's time spent on the TikTok platform via a screen
 12 time dashboard, mute push notifications, filter keywords, enable Restricted Mode (discussed
 13 below), get notifications about their teen's account activity, customize search capabilities, decide
 14 whether their teen's account will be public or private, determine whether their teen's account can
 15 be recommended to others, restrict who can send direct messages to their teen or turn off direct
 16 messaging entirely, decide who can view their teen's liked videos, and decide who can comment
 17 on their teen's videos.



1 b. **Daily Screen Time:** Daily Screen Time¹⁶ is a screen time management setting
 2 that allows all individuals to manage how much time they spend on the TikTok platform by
 3 setting a daily screen time limit. People are notified when they reach that limit on the TikTok
 4 platform. People may view their screen time summary in their activity center. Parents can also
 5 control their teens' daily screen time settings through Family Pairing.



17 c. **Screen Time Default Limits for Minors:** For individuals who register as over 18,
 18 Daily Screen Time default limits are available as an opt-in feature. By contrast, for people who
 19 register as under 18, Daily Screen Time is automatically enabled by default and set to 60 minutes.
 20 Once the 60-minute limit has been reached, teens must enter a passcode to continue spending
 21 more time on the platform. Parents can also control their teens' screen time breaks through the
 22 Time Away feature in Family Pairing.

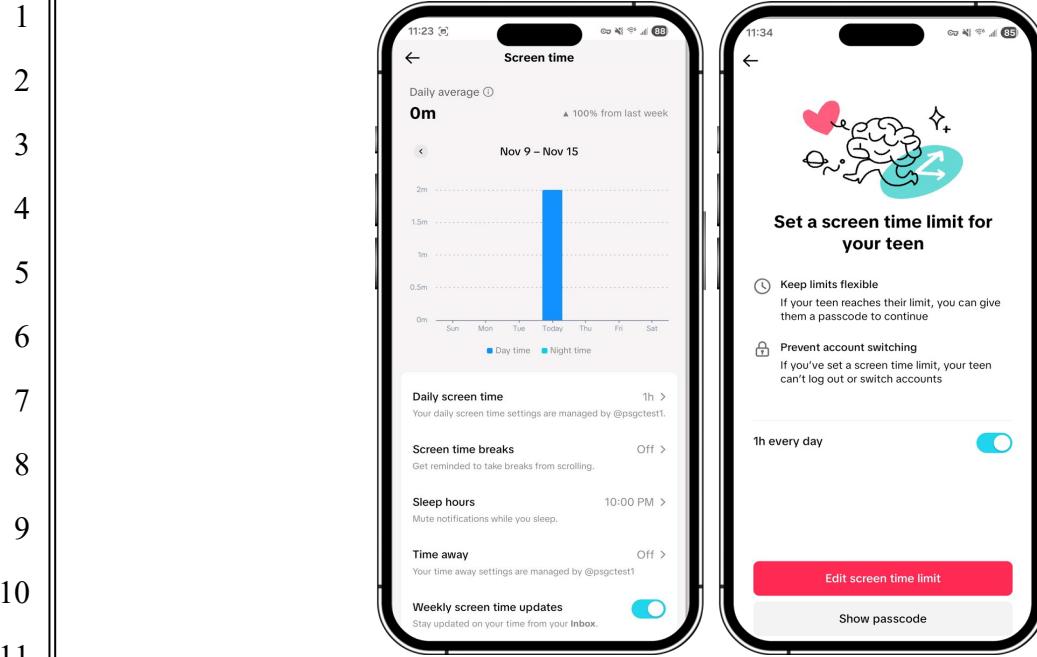
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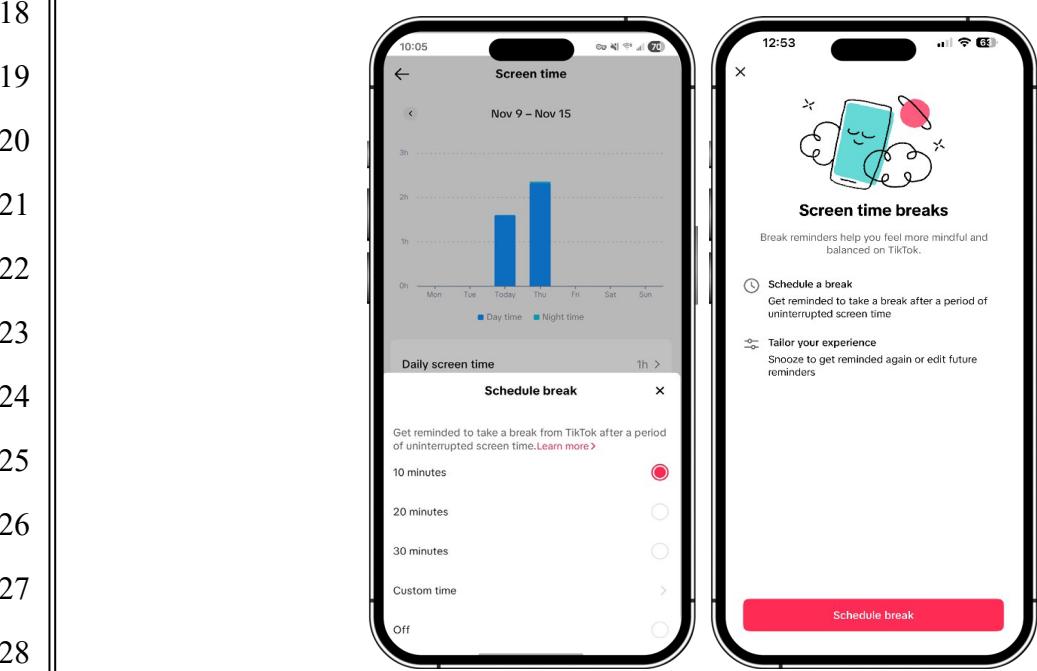
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27 ¹⁶ Daily Screen Time has also been known as Daily Screen Time Limits, Screen Time Limits, and
 28 Screen Time Management.

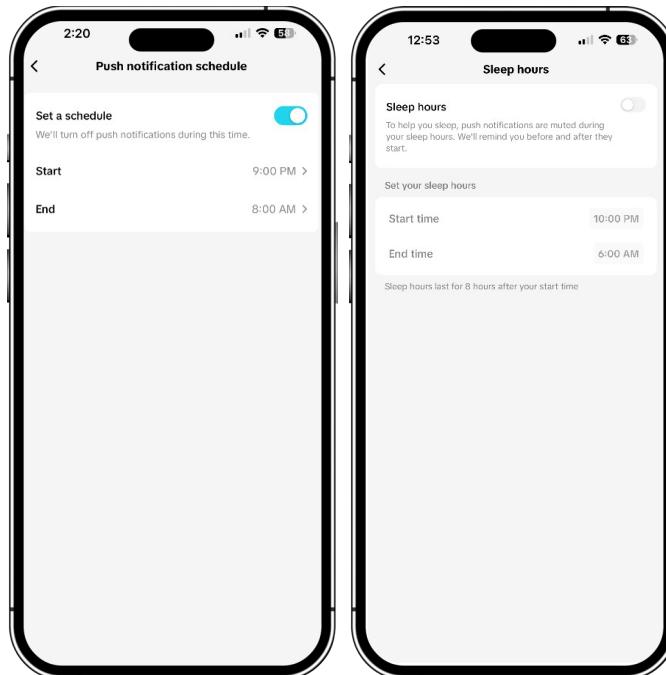


d. **Screen Time Breaks:** When enabled, Screen Time Breaks allow people to schedule reminders to take a break from using the TikTok platform after a period of screen time. Once a person reaches a predetermined amount of screen time, the person is notified with a popup to consider taking a break. The notification prompts the individual to either: (1) tap OK to dismiss the notification; (2) tap Snooze to restart the timer and remind you again within a set period of time; or (3) tap Edit Reminders to change the screen time break schedule.



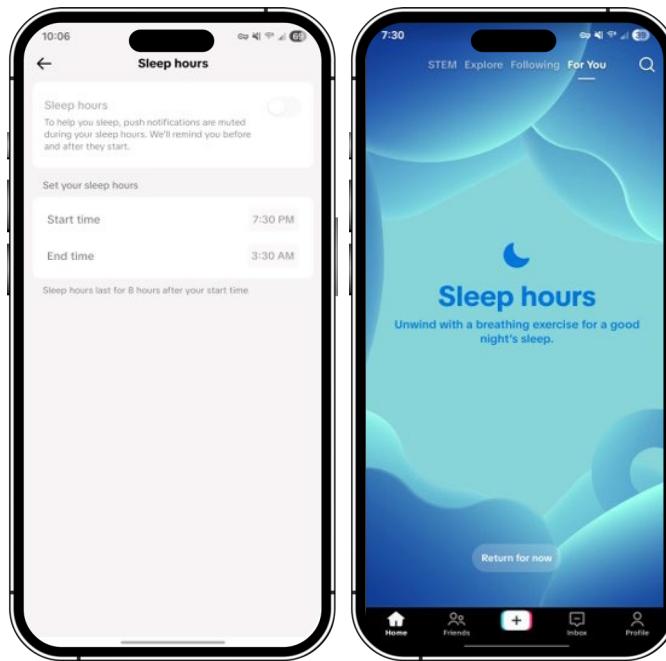
e. **Digital Well-Being Information:** For people who register as under 18, the TikTok platform displays digital well-being information throughout the user experience, which encourages people to learn about TikTok's well-being tools.

f. **Mute Push Notifications:** The TikTok platform introduced mute windows¹⁷ for teens. Typically, push notifications are sent to a person's device when they are not using the TikTok app, and can include notifications of likes, comments, video suggestions, and more. People can set a schedule to mute push notifications on their device for a specific amount of time. For people who register as ages 13 to 15, the platform sets a mandatory mute period for push notifications from 9 p.m. to 8 a.m., and this setting cannot be changed. For people who register as ages 16 to 17, this period is from 10 p.m. to 8 a.m. by default, and this setting also cannot be changed. Parents and guardians can also schedule additional time to mute their teen's push notifications in Family Pairing. The default scheduled time overrides any custom time that is less restrictive. For example, if a parent sets their thirteen-year-old's scheduled time from 11 p.m. to 7 a.m., the default time from 9 p.m. to 8 a.m. will override the parent's setting. People over the age of 18 may opt-in to muted push notifications.



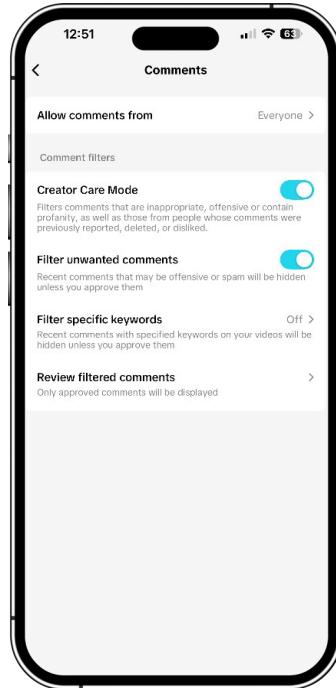
¹⁷ This feature has also been known as Quiet Mode.

1 g. **Sleep Hours:** Sleep Reminders help people wind down and prepare for bedtime.
 2 Sleep Hours encourages young people to switch off at night. If a teen who registers as under 16
 3 is on the TikTok platform after 10 p.m., their For You feed will be interrupted with the Sleep
 4 Hours feature. Sleep Hours will launch a full-screen takeover with calming music to help teens
 5 relax and be mindful of the time. If a teen decides to spend additional time on the TikTok
 6 platform after the first reminder, the platform show a second, harder to dismiss, full-screen
 7 prompt.

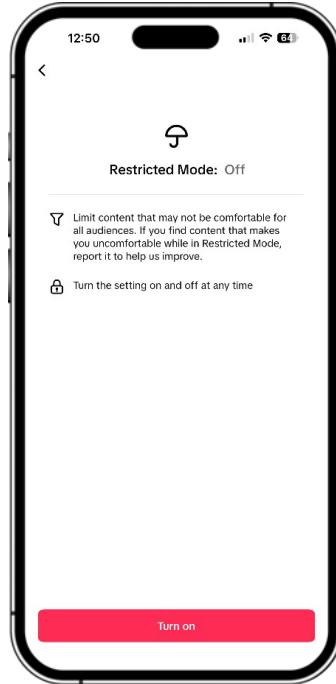


19 h. **Creator Care Mode:** Creator Care Mode or Comment Care Mode provides
 20 people with more control over their TikTok experience by applying additional filters to the
 21 comments posted on the individual's content. When turned on, it filters out comments that may
 22 not be appropriate, are offensive, contain profanity, have been flagged or reported by the
 23 individual or others, or are similar to comments that the individual or others have previously
 24 reported, deleted, or disliked. Creator Care Mode is available in the United States as an opt-in
 25 feature.

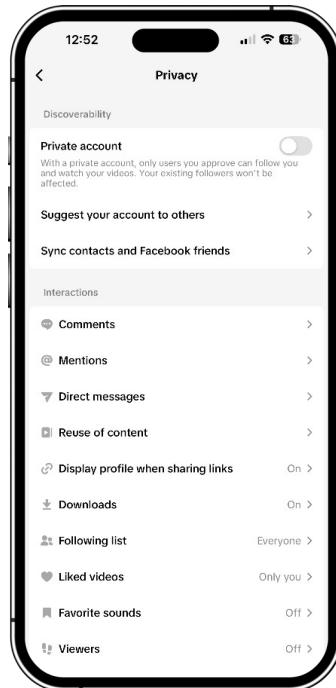
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i. **Restricted Mode.** Restricted Mode, which is available to all people, and which parents and guardians can manage for their teens through Family Pairing, limits a person's exposure to content that may not be comfortable for everyone, such as content that contains mature or complex themes. Some features are unavailable when a person enables Restricted Mode, including access to the "following feed." Restricted Mode is available to people as an opt-in feature.



1 j. **Private Account.** Private Account allows an individual to approve or deny
2 follower requests and choose people that are allowed to (1) follow them (2) watch their videos,
3 and (3) see their bios, likes, and followers and following list. When Private Account is activated,
4 others cannot Duet, Stitch, or download the individual's videos. Private Account is automatically
5 enabled by default for all people who register as under the age of 18. For people who register as
6 under the age of 16, this setting cannot be changed. People who register as between ages 13-17
7 are notified of this feature upon creating their accounts. Parents can control their teens' private
8 account settings through Family Pairing.



20 k. **Search Interventions.** When a person searches for certain words or phrases, such
21 as “suicide,” the TikTok platform will direct them to local support resources such as the Crisis
22 Text helpline, where they can find support and information for treatment options.

23 //

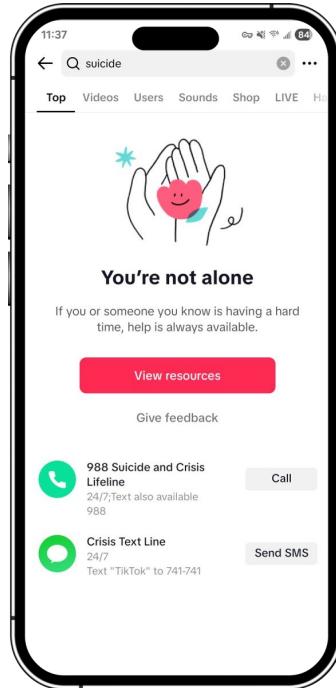
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13 1. **Safety Centers.** TikTok provides access to a Safety Center that offers a number
 14 of tools and controls to help manage peoples' experience,¹⁸ as well as a Teen Safety Center
 15 specifically designed to help younger people understand different features and safety tools
 16 available on TikTok.¹⁹ The Safety Center provides pages on safety topics, such as tragic event
 17 support and countering hate speech and behavior, as well as guides with safety tips and guidelines
 18 for using TikTok. The Teen Safety Center provides guidance on the safety features and settings
 19 teens can use to keep their accounts protected, as well as ways to control who they interact with
 20 on TikTok.

21 m. **Well-Being Guide.** TikTok also provides a toolkit to help people feel in control
 22 of their platform experience and interact with technology in a way that feels right for them. The
 23 guide encourages people to assess how their digital habits impact their physical and mental health
 24 by, among other things, reflecting on screen time, assessing their emotional state after screen
 25 time, evaluating their online privacy and security practices, and considering the content they

26

¹⁸ TikTok, *Safety Center*, <https://www.tiktok.com/safety/en/> (last visited Nov. 13, 2025).

27 ¹⁹ TikTok, *Teen Safety Center*, <https://www.tiktok.com/safety/en/youth-portal> (last visited Nov.
 28 13, 2025).

1 consume online. TikTok provides prompts to help individuals reflect, points people to the tools
 2 available to manage their platform time, and offers tips and resources for those struggling with
 3 mental health.²⁰

4 53. Cellular and broadband internet providers offer families tools to block certain
 5 online services from certain devices.²¹ As do internet browsers.²² For example, some browsers
 6 offer a “kids mode” that allows parents to see what their teens are accessing the most.²³

7 54. Parents can use third-party software and browser extensions to reinforce any
 8 existing parental controls.²⁴ Third-party applications also allow parents to oversee their teen’s
 9 online activities.²⁵

10 55. Wireless routers often have settings allowing parents to block particular websites,
 11 filter content, monitor Internet usage, and oversee time spent on the internet.²⁶ And device
 12 manufacturers allow parents to limit the time their teens may spend on the device, constrain the
 13 applications that can be used, filter the content that they see, and control their privacy settings.²⁷

14 **PROTECTING OUR KIDS FROM SOCIAL MEDIA ADDICTION ACT**

15 56. Last year, California passed the Protecting Our Kids from Social Media Addiction
 16 Act (the “Act”). 2024 Cal. Stats. Ch. 321, SB 976, 2023-24 Reg. Sess. (Cal. 2024) (codified at
 17 Cal. Health & Safety Code §§ 27000-07). The Act acknowledges that “[s]ocial media provides

18 ²⁰ *TikTok, Well-being guide*, <https://www.tiktok.com/safety/en/well-being-guide> (last updated
 July 24, 2025).

19 ²¹ *See, e.g.*, Verizon, *Verizon Family*, <https://www.verizon.com/solutions-and-services/add-ons/safety/verizon-family-parental-control-monitoring-app> (last visited Nov. 13, 2025); Xfinity, *Set up parental controls for the internet*, <https://www.xfinity.com/support/articles/set-up-parental-controls-with-comcast-networking> (last visited Nov. 13, 2025).

20 ²² *See, e.g.*, Microsoft, *How to set parental controls to keep your loved ones safe online*, <https://www.microsoft.com/en-us/edge/learning-center/how-to-set-up-parental-controls?form=MA13I2> (last visited Nov. 13, 2025).

21 ²³ *See, e.g.*, Google, *Kids Space*, <https://families.google/kidsspace> (last visited Nov. 13, 2025).

22 ²⁴ *See, e.g.*, Aura, *Parental Controls*, <https://www.aura.com/parental-controls> (last visited Nov. 13, 2025).

23 ²⁵ *See, e.g.*, Bark, *Bark App*, <https://www.bark.us/bark-app> (last visited Nov. 13, 2025).

24 ²⁶ *See, e.g.*, Gryphon, *Parental Controls*, <https://gryphonconnect.com/pages/parental-control>.

25 ²⁷ *See, e.g.*, Apple, *Families*, <https://www.apple.com/families/>; Google, *Family Link*, <https://safety.google/families/parental-supervision/> (last visited Nov. 13, 2025); Microsoft, *Family Safety*, <https://www.microsoft.com/en-us/microsoft-365/family-safety> (last visited Nov. 13, 2025); Samsung, *Parental controls available on your Galaxy phone or tablet*, <https://www.samsung.com/us/support/answer/ANS10003399/> (last visited Nov. 13, 2025).

1 an important tool for communication and information sharing.” *Id.* § 1(a). Yet it nonetheless
 2 imposes sweeping restrictions on minors’ access to social media in California, purportedly to
 3 reduce the “risk of harm to the mental health and well-being of children and adolescents” it
 4 believes that “[h]eavier usage of social media” poses. *Id.* § 1(b),(d). It blames how much time
 5 minors spend with speech on social media on how that speech is presented—specifically, “the
 6 algorithmic delivery” of personalized content on and by online platforms. *Id.* § 1(b).

7 57. From its introduction, SB 976 faced opposition from a variety of groups concerned
 8 with its restrictions on speech. For example, an opposition coalition expressed concern that the
 9 Act’s restriction on personalized feeds in favor of chronological feeds was “based on the faulty
 10 assumption” that chronological feeds are better.²⁸ Chronological feeds, the opposition argued,
 11 might result in the drowning out of friends’ posts by those of brands and influencers, or could be
 12 “gamed by bad actors to spread more low quality or harmful content.”²⁹

13 58. As ACLU California Action explained, “[a]s written, [the Act] is not an effective
 14 method to protect children online. It will instead undermine publishers’ ability to organize their
 15 content and people’s ability to access the content they need. It will also diminish online privacy
 16 by incentivizing companies to collect more private information.”³⁰ The Chamber of Progress,
 17 LGBT Tech, the Trevor Project, and the Woodhull Freedom Foundation also expressed concerns
 18 that the Act’s parental-consent provisions could have a disparate impact on marginalized youth.³¹
 19 Conditioning LGBTQ+ youth’s ability to access social media content on parental approval could
 20 “cut [them] off from affirming online communities and resources.”³²

21 59. **The Act’s Coverage and Definitions Are Content- and Speaker-Based**
 22 (**§ 27000.5**). The Act’s coverage depends on a content-based and speaker-based set of definitions
 23 and exclusions. The Act applies to only a subset of online services: so-called “[a]ddictive

25 ²⁸ Senate Bill Policy Analysis at 9 (June 30, 2024),
 26 https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202320240SB976#.

27 ²⁹ *Id.*

28 ³⁰ *Id.* at 17.

29 ³¹ *Id.* at 11.

30 ³² *Id.*

1 internet-based service[s] or application[s].” § 27000.5(b)(1).³³ An “[a]ddictive internet-based
 2 service or application” is defined as an “online service, online application, or mobile application,
 3 including, but not limited to, a ‘social media platform’ as defined in Section 22675 of the
 4 [California] Business and Professions Code, that offers users or provides users with an addictive
 5 feed as a significant part of the service provided by that internet website.” *Id.*

6 60. The California Business and Professions Code defines “social media platform” as
 7 “a public or semipublic internet-based service or application that has users in California” and
 8 meets two criteria: (1) a “substantial function” of the service is to connect users socially beyond
 9 email or direct messaging, and (2) the platform allows users to create a profile and share content
 10 with other users. Cal. Bus. & Prof. Code § 22675(f).

11 61. Despite the Act’s provocative labeling, the definition of “[a]ddictive feed” does
 12 not depend in any way on *addiction*. The sole defining feature is *personalization* of the speech
 13 compilation: An “[a]ddictive feed” is simply any “online service, online application, or mobile
 14 application, or portion thereof, in which multiple pieces of media generated or shared by users
 15 are, either concurrently or sequentially, recommended, selected, or prioritized for display to a user
 16 based, in whole or in part, on information by the user, or otherwise associated with the user or the
 17 user’s device.” Feeds are exempted from the definition when at least one of seven conditions are
 18 met, including that the information used is not persistently associated with the user or their device
 19 and does not relate to their prior interactions on the platform; the user “expressly and
 20 unambiguously requested” the media and the content is not recommended based on information
 21 associated with the user; or the content is direct, private communications between users.
 22 § 27000.5(a)(1)-(7).

23 62. Legislative history confirms that the Act regulates speech based on its content. It
 24 clarifies that the Act’s focus on addictive feeds is intended to “prohibit[] social media platforms
 25 from serving content to children through a manipulative, addictive algorithmic feed,” and it
 26 “would require that social media platforms—by default—serve children content through a

27 ³³ There is no consensus among academics or professionals on what constitutes “addiction” in the
 28 social media context, and the Act does not provide any definition for, or explanation of, what
 might constitute “addiction” or “addictive” behavior.

1 chronological feed from people they've already followed and information that they've searched
 2 for.”³⁴ The Act’s goal is to limit not only platforms’ ability to provide personalized feeds, but
 3 also minors’ access to new content and new speakers. Indeed, Defendant stated that the Act was
 4 necessary because “the default … algorithmic feed” offered to social media users “too often sends
 5 them down rabbit holes of harmful content.”³⁵

6 63. The Act thus applies to an online service like the TikTok platform based on the
 7 speaker and its content: Online services are targeted based on the constitutionally protected
 8 “feeds” the online services “personalize[.]” *Moody*, 603 U.S. at 734. This is exactly the kind of
 9 conduct that the Supreme Court recognized is entitled to First Amendment protection—creating
 10 “curated compilation[s]” of content that combine “multifarious voices” into a “distinctive
 11 expressive offering” that users can “react to,” “comment on,” or “share … themselves.” *Id.* at
 12 719, 728, 738.

13 64. In addition to the limitations of the pre-existing definition of social media
 14 platform, the Act also creates exceptions from its coverage based on speaker and content. The
 15 Act provides that the term “[a]ddictive internet-based service or application’ does not apply to
 16 either of the following”:

- 17 (A) An … online service, online application, or mobile application for which interactions
 18 between users are limited to commercial transactions or to consumer reviews of products,
 19 sellers, services, events, or places, or any combination thereof.
- 20 (B) An … online service, online application, or mobile application that operates a feed for
 21 the primary purpose of cloud storage.

22 § 27000.5(b)(2).

23 65. **The Act Prohibits Personalized Feeds for Minors Absent Verifiable Parental
 24 Consent (§§ 27001(a), 27002(b)(2), 27002(b)(4)).** The Act imposes three requirements on
 25 covered online services that restrict minors’ ability to access personalized feeds absent “verifiable
 26

27 ³⁴ Senate Judiciary Analysis at 13(Apr. 19, 2024),
 https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202320240SB976#.

28 ³⁵ *Id.*

1 parental consent.” §§ 27001(a), 27002(b)(2), 27002(b)(4).³⁶

2 66. *Parental consent to view personalized feeds (§ 270001(a)).* The Act provides that
 3 “[i]t shall be unlawful for the operator of” a covered online service “to provide an addictive
 4 feed”—*i.e.*, a personalized feed—to a minor “user unless … [t]he operator has obtained verifiable
 5 parental consent.” § 27001(a).³⁷ Under this provision, TikTok cannot provide “minors”—
 6 defined as individuals under 18—with any personalized feed without first securing verifiable
 7 parental consent. This provision burdens TikTok’s protected speech by prohibiting it from
 8 curating the content it provides to teens in the way it would prefer, and it burdens teens’ access to
 9 protected speech by conditioning that access on parental consent.

10 67. *Parental consent to view personalized feeds for more than one hour per day*
 11 (§ 270002(b)(2)). The Act requires covered online services to implement a “default” setting
 12 limiting minors’ access to personalized feeds to “one hour per day unless modified by the verified
 13 parent.” § 27002(b)(2). Specifically, “[t]he operator of” a covered online service “shall provide a
 14 mechanism through which the verified parent of a user who is a minor may … [l]imit their child’s
 15 access to any addictive feed from the addictive internet-based service or application to a length of
 16 time per day specified by the verified parent.” *Id.* The “setting shall be set by the operator as on
 17 by default, in a manner in which the child’s access is limited to one hour per day unless modified
 18 by the verified parent.” *Id.* This provision thus requires an additional layer of parental consent
 19 before teens can access the TikTok platform’s personalized feeds for more than one hour per day.
 20 It therefore burdens TikTok’s protected speech and minors’ access to protected speech in much
 21 the same way as § 27001(a) .

22 68. *Parental tools to require default feed on entry to be non-personalized*

23
 24 ³⁶ Until January 1, 2027, this requirement applies only to users the platform knows are minors.
 25 See § 27001(a)(1). But after that date, the Act requires Operators to “reasonably determine[]”
 26 that a user is not a minor. *Id.* Doing so will require verifying users’ age, which will affect all
 27 users, not just minors. In prior challenges to the Act, courts have held that challenges to this age-
 28 verification provision are not yet ripe. *See NetChoice II*, 152 F.4th at 1018-19.

29
 30 ³⁷ Under the Act, an “Operator” is “a person who operates or provides an internet website, an
 31 online service, an online application, or a mobile application.” § 27000.5(e). The Act defines a
 32 “Minor” as “an individual under 18 years of age who is located in the State of California.”
 33 § 27000.5(d). And the Act defines “Parent” as a “parent or guardian.” § 27000.5(f).

1 (§ 27002(b)(4)). The Act provides that “[t]he operator of an addictive internet-based service or
 2 application shall provide a mechanism through which the verified parent of a user who is a minor
 3 may”:

4 (4) Require that the default feed provided to the child when entering the internet-based
 5 service or application be one in which pieces of media are not recommended, selected, or
 6 prioritized for display based on information provided by the user, or otherwise associated
 7 with the user or the user’s device, other than the user’s age or status as a minor.

8 § 27002(b)(4). This provision burdens TikTok’s protected speech and minors’ access to that
 9 protected speech by imposing “default” limits on the speech available to minors and giving
 10 control over those limits to parents.³⁸

11 **CLAIMS FOR RELIEF**

12 **COUNT I**

13 **VIOLATION OF THE FIRST AMENDMENT AS INCORPORATED BY THE
 14 FOURTEENTH AMENDMENT, 42 U.S.C. § 1983
 (PERSONALIZED-FEED PROVISIONS, §§ 27001(A), 27002(B)(2), 27002(B)(4))**

15 69. TikTok incorporates all prior paragraphs as though fully set forth herein.

16 70. The Act’s personalized-feed provisions, §§ 27001(a), 27002(b)(2), 27002(b)(4), as
 17 applied to TikTok, burden protected speech and cannot satisfy strict scrutiny or any form of First
 18 Amendment scrutiny.

19 71. **General principles.** The First Amendment, as incorporated against the States by
 20 the Fourteenth Amendment, provides that governments “shall make no law … abridging the
 21 freedom of speech, or of the press.” U.S. Const. amend. I.

22 72. The “most basic” principle of the First Amendment is that “government has no
 23 power to restrict expression because of its message, its idea, its subject matter, or its content.”
 24 *Brown*, 564 U.S. at 790-91 (quoting *Ashcroft v. ACLU*, 535 U.S. 564, 573 (2002)). Nor can the

25 ³⁸ As previously noted, other provisions of the Act have been enjoined, including
 26 Section 27002(a) (prohibiting the sending of notifications to minors during certain hours);
 27 Section 27002(b)(1) (requiring provision of tool to prevent access to notifications during certain
 28 hours and turning tool on as default); Section 27002(b)(3) (requiring provision of tool to limit
 minors’ ability to view number of likes and turning on as default); and Section 27005 (requiring
 operators to publicly disclose number of minor users of its service).

1 government interfere with “the exercise of editorial content and judgment” that publishers employ
 2 to determine what content to present to the public. *Miami Herald Publ’g Co. v. Tornillo*, 418
 3 U.S. 241, 258 (1974); *see also Moody*, 603 U.S. at 728-33 (collecting cases). The First
 4 Amendment’s protections extend not only to the right to speak, but also to “the right to distribute,
 5 the right to receive, the right to read and freedom of inquiry.” *Griswold v. Connecticut*, 381 U.S.
 6 479, 482 (1965); *see also Sorrell*, 564 U.S. at 570 (“An individual’s right to speak is implicated
 7 when information he or she possesses is subjected to restraints on the way in which the
 8 information might be used or disseminated.” (quotation marks omitted)). And “[a]ll manner of
 9 speech—from ‘pictures, films, paintings, drawing, and engravings,’ to ‘oral utterance and the
 10 printed word’—qualify for the First Amendment’s protections; no less can hold true when it
 11 comes to speech … conveyed over the Internet.” *303 Creative LLC v. Elenis*, 600 U.S. 570, 587
 12 (2023) (citing cases). Nor does the fact that something is interactive dilute, let alone delete, those
 13 protections. *Brown*, 564 U.S. at 798.

14 73. Laws that target speech based on its content “are presumptively unconstitutional
 15 and may be justified only if the government proves that they are narrowly tailored to serve
 16 compelling state interests”—in other words, that they satisfy strict scrutiny. *Reed v. Town of
 17 Gilbert*, 576 U.S. 155, 163 (2015).

18 74. The law is also “deeply skeptical of laws that ‘distinguis[h] among different
 19 speakers, allowing speech by some but not others.’” *Nat’l Inst. of Fam. & Life Advocs. v.
 20 Becerra*, 585 U.S. 755, 777-78 (2018) (quoting *Citizens United v. Fed. Election Comm’n*, 558
 21 U.S. 310, 340 (2010)). Such distinctions “run the risk that ‘the State has left unburdened those
 22 speakers whose messages are in accord with its own views.’” *Id.* at 778 (quoting *Sorrell*, 564
 23 U.S. at 580). Thus, when the “speaker preference reflects a content preference,” speaker-based
 24 laws demand strict scrutiny. *Reed*, 576 U.S. at 170 (quoting *Turner Broad. Sys., Inc. v. FCC*, 512
 25 U.S. 622, 658 (1994)).

26 75. Even content- and speaker-neutral laws that burden speech demand heightened
 27 scrutiny. *McCullen v. Coakley*, 573 U.S. 464, 486 (2014). Such laws are subject to intermediate
 28

1 scrutiny and must be “narrowly tailored to serve a significant government interest” in order to
 2 prevent governments from “too readily sacrific[ing] speech for efficiency.” *Id.* (quoting *Ward v.*
 3 *Rock Against Racism*, 491 U.S. 781, 796 (1989), and *Riley v. Nat'l Fed. of Blind of N.C., Inc.*,
 4 487 U.S. 781, 795 (1988)).

5 76. All of these principles apply to minors, too. While governments possess
 6 “legitimate power to protect children from harm,” their authority “does not include a free-floating
 7 power to restrict the ideas to which children may be exposed”—either by prohibiting minors from
 8 accessing expressive material altogether or from doing so without parental consent. *Brown*, 564
 9 U.S. at 794 (invalidating law prohibiting distribution of violent video games to minors without
 10 parental consent). Accordingly, except in “narrow and well-defined circumstances,” governments
 11 may not bar dissemination of protected content to minors or otherwise infringe on the “significant
 12 measure of First Amendment protection” to which minors are entitled. *Erznoznik v. City of*
 13 *Jacksonville*, 422 U.S. 205, 213 (1975) (invalidating ordinance prohibiting display of movies
 14 containing nudity at drive-in theaters); *see also Ashcroft*, 542 U.S. 656 (enjoining law
 15 criminalizing Internet speech that is “harmful to minors”); *Reno*, 521 U.S. 844 (invalidating law
 16 protecting minors from “indecent” and “patently offensive” Internet communications); *United*
 17 *States v. Playboy Entm't Grp., Inc.*, 529 U.S. 803 (2000) (invalidating law restricting sexual
 18 programming on television).

19 77. These principles apply with equal force online. The “‘basic principles of freedom
 20 of speech and the press … do not vary’ when a new and different medium for communication
 21 appears.” *Brown*, 564 U.S. at 790 (quoting *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495, 503
 22 (1952)). Thus, the Supreme Court’s longstanding recognition that the First Amendment protects
 23 a publisher’s presentation of a “curated compilation of speech originally created by others”
 24 applies equally to an online platform’s “choices about what third-party speech to display and how
 25 to display it.” *Moody*, 603 U.S. at 716, 728.

26 78. When it restricts speech, “the Government bears the burden of proving the
 27 constitutionality of its actions.” *Playboy Ent. Grp.*, 529 U.S. at 816-17.

1 **79. Applying these principles to this controversy.** The State cannot demonstrate
 2 that the Act’s personalized-feed restrictions, as applied to TikTok, are consistent with the First
 3 Amendment’s protections. While TikTok shares the State’s interest in protecting minors, the
 4 State cannot here articulate a sufficiently compelling governmental interest that the Act actually
 5 supports, and the Act is not properly tailored under any form of First Amendment scrutiny.

6 **80. The Act’s personalized-feed provisions directly regulate TikTok’s protected
 7 expression as well as that of the people on the platform.** The personalized-feed provisions,
 8 §§ 27001(a), 27002(b)(2), 27002(b)(4), restrict teens’ access to TikTok’s protected expression in
 9 the form of personalized feeds and limit the editorial choices TikTok may make in compiling its
 10 feeds.³⁹

11 81. The Supreme Court has held that “feeds” that are “personalized” are protected by
 12 the First Amendment. *See Moody*, 603 U.S. at 716-17, 734-35; *see also NetChoice II*, 152 F.4th
 13 at 1021 (recognizing, in discussing this Act, that *Moody* established that “some personalized
 14 recommendation algorithms may be expressive”).⁴⁰ “Deciding on the third-party speech that will
 15 be included in or excluded from a compilation—and then organizing and presenting the included
 16 items—is expressive activity of its own” and “results in a distinctive expressive product.”
Moody, 603 U.S. at 731.

18 82. The TikTok platform’s personalized feeds are precisely this sort of expressive
 19 activity—they provide “curated compilation[s]” of user-created speech, allowing “users to upload
 20 content...to share with others,” to “view[] the content” and “react to it, comment on it, or share it
 21 themselves.” *Id.* at 719. They are created through a series of “choices about what third-party
 22 speech to display and how to display it,” including how to “organize and prioritize” speech, what
 23 content reflects TikTok’s editorial policies, and what content TikTok wishes to promote based on
 24 its own interests (as opposed to a particular individual’s)—thus producing TikTok’s own

25

³⁹ As noted above, when the age-verification requirement comes into effect, the personalized-feed
 26 provisions will also burden the First Amendment rights of adult users who will have to submit to
 the age-verification process in order to access personalized feeds.

27 ⁴⁰ The Court did not decide whether personalized feeds are sufficiently expressive that restricting
 28 access to them would restrict access to the platforms’ speech because it concluded that *NetChoice*
II, 152 F.4th at 1021.

1 “distinctive compilations of expression.” *Id.* at 716.

2 83. For example, to determine what content is presented and how it should be arranged
3 in a person’s For You feed, the TikTok platform analyzes and removes any uploaded content that
4 does not comply with the TikTok platform’s content eligibility standards; sorts and rearranges
5 content using a recommendation system programmed to predict what a person will find relevant,
6 informative, and interesting; and promotes videos that reflect the TikTok platform’s independent
7 editorial priorities. The TikTok platform’s choices about what to include in an individual’s
8 personalized feed thus consider not only user-expressed preferences, but also the TikTok
9 platform’s content-moderation policies, editorial policies, decisions to promote particular pieces
10 of content for reasons that are not tied to and do not reflect user preference, and other factors.

11 84. These curation decisions and the personalized feeds they produce promote
12 TikTok’s own messages, including its view that presented content is content TikTok thinks a
13 person will enjoy viewing or from which a person could learn. Those compilations are more than
14 the sum of their parts: A video feed comprising some, but not all, of TikTok’s curation decisions
15 is no substitute for the cohesive whole of the For You feed.

16 85. The same principles apply to the other personalized feeds offered on the TikTok
17 platform, including:

- 18 a. The Following feed, which presents content from accounts a person follows based
19 on their information and interactions with the platform and TikTok’s editorial
20 decisions;
- 21 b. The Friends feed, which presents content from accounts a person follows and who
22 follows them back based on their information and interactions with the platform
23 and TikTok’s editorial decisions;
- 24 c. Stories Skylight, which a person can access from the Following and Friends feed,
25 and mirrors their recommendation methods and TikTok’s editorial decisions;
- 26 d. The LIVE feed, which presents content from TikTok LIVE streams based on
27 users’ information and interactions with the platform and TikTok’s editorial

1 decisions;

2 e. The Search feed and Search recommendations within comments, which present

3 content to a person based on information about the search terms they have entered

4 and their interactions with the platform and TikTok’s editorial decisions;

5 f. The STEM feed, which is an educational feed that presents content related to

6 science, math, tech, and engineering based on a person’s information and

7 interactions with the platform and TikTok’s editorial decisions;

8 g. The Explore feed, which presents content to an individual on their Explore page

9 based on that person’s information and interactions with the platform and

10 TikTok’s editorial decisions; and

11 h. The Comment feed, which prioritizes comments on a particular video based on a

12 person’s information and interactions with the platform and TikTok’s editorial

13 decisions.

14 86. The TikTok platform’s personalized feeds are therefore constitutionally protected

15 expression. *See Moody*, 603 U.S. at 731; *NetChoice II*, 152 F.4th at 1014 (citing *TikTok Inc. v. Garland*, 604 U.S. 56 (2025)); *see also 303 Creative v. Elenis*, 600 U.S. 570, 589 (2023) (“All

16 manner of speech—from pictures, films, paintings, drawings, and engravings, to oral utterance

17 and the printed word—qualify for the First Amendment’s protections; no less can hold true when

18 it comes to speech … conveyed over the Internet.” (quotations omitted)).

19

20 87. The Act’s personalized-feed provisions restrict that protected expression by

21 prohibiting TikTok from considering the user-expressed preferences of teens unless it obtains

22 parental consent, thereby “interfer[ing] with … editorial choices” and “confront[ing] the First

23 Amendment.” *Moody*, 603 U.S. at 731-32. The personalized-feed provisions thus restrict

24 TikTok’s ability to speak to teens through its curated feeds in the manner it wishes.

25

26 88. The fact that parents can grant consent and alter mandated defaults for feed

27 settings does not alter the fact that the Act impermissibly restricts speech. *See Brown*, 564 U.S. at

28 795 n.3 (laws preventing children from “hearing or saying anything without their parents’ prior

1 consent” are no different from the standpoint of the First Amendment than outright bans). By
 2 setting a default, the State imposes a one-size-fits-all mandate that strips parents and teens of the
 3 autonomy to make deeply personal decisions about minors’ access to speech.

4 89. The personalized-feed provisions also restrict the First Amendment rights of teens.
 5 *Cf. Warth*, 422 U.S. at 501 (plaintiff with standing to assert own constitutional rights can seek
 6 relief on basis of legal rights and interests of others); *Uthmeier*, 2025 WL 1570007, at *9 (citing
 7 *Warth* for similar proposition). By conditioning teens’ access to protected speech on parental
 8 consent, the provisions interfere with teens’ “right to receive information and ideas.” *Stanley*,
 9 394 U.S. at 564. That right is protected with full force on “social media” platforms, which for
 10 many are “the principal sources for knowing current events, checking ads for employment,
 11 speaking and listening in the modern public square, and otherwise exploring the case realms of
 12 human thought and knowledge.” *Packingham*, 582 U.S. at 107; *see also Citizens United*, 558
 13 U.S. at 339 (“The right of citizens to inquire, to hear, to speak, and to use information to reach
 14 consensus is a precondition to enlightened self-government and a necessary means to protect
 15 it.”). And the right to listen applies even where the speech at issue is not itself entitled to First
 16 Amendment protection—for instance, because the speaker is a foreigner speaking from abroad.
 17 *See Lamont v. Postmaster Gen.*, 381 U.S. 301 (1965).

18 90. **The personalized-feed provisions trigger strict scrutiny.** The personalized-feed
 19 provisions implicate strict scrutiny because they regulate the content TikTok publishes to people
 20 on its platform, restrict access only to speech by certain speakers, depend on the Act’s content-
 21 and speaker-based coverage definition, and are a sharp break from history and tradition.

22 91. The Act’s personalized-feed provisions trigger strict scrutiny because they prohibit
 23 TikTok from publishing certain content absent parental consent—namely, personalized feeds that
 24 reflect the preferences of people on its platform. §§ 27001(a), 27002(b)(2), 27002(b)(4).

25 92. The Act’s personalized-feed provisions also trigger strict scrutiny because they
 26 “distinguish among different speakers.” *Citizens United*, 558 U.S. at 340. While speaker
 27 preferences are problematic only when they “reflect[] a content preference,” *Reed*, 576 U.S. at

1 170, these provisions do. The personalized-feed provisions restrict teens' access to compilations
 2 of third-party content created by websites that use personalized feeds, but allow unfettered access
 3 to compilations of content by other websites. §§ 27001(a), 27002(b)(2), 27002(b)(4). That is a
 4 restriction not only on speech by certain speakers, but on a particular type of speech: feeds of
 5 third-party content curated to reflect, among other things, user-expressed preferences.

6 93. Additionally, the personalized-feed provisions are subject to strict scrutiny because
 7 they rely on the Act's central-coverage definition, which is content- and speaker-based. That
 8 definition restricts access to websites that display personalized feeds of media "generated or
 9 shared *by users*," § 27000.5(a) (emphasis added), but not to websites that display personalized
 10 feeds of their own content.

11 94. The personalized-feed provisions are also subject to strict scrutiny because they
 12 are a sharp break from history and tradition. "[L]ong settled and established practice is a
 13 consideration of great weight" when applying the First Amendment. *Hous. Cmty. Coll. Sys. v.*
 14 *Wilson*, 595 U.S. 468, 474-77 (2022) (citation omitted). The Supreme Court, therefore, recently
 15 made clear that when a state law fits within a "widespread" "tradition[]" of regulation, it should
 16 not be subjected to strict scrutiny. *Free Speech Coal. v. Paxton*, 606 U.S. 461, 485 (2025). The
 17 converse is also true. Without "persuasive evidence that a novel restriction on content is part of a
 18 long (if heretofore unrecognized) tradition of proscription," the government "may not revise the
 19 'judgment of the American people,' embodied in the First Amendment, 'that the benefits of its
 20 restrictions on the Government outweigh the costs.'" *Brown*, 564 U.S. at 792 (quoting *United*
 21 *States v. Stevens*, 559 U.S. 460, 470 (2010) (alteration adopted)); *see also Vidal v. Elster*, 602
 22 U.S. 286, 301 (2024).

23 95. **The personalized-feed provisions fail any level of First Amendment scrutiny.**
 24 The Act's personalized-feed provisions, §§ 27001(a), 27002(b)(2), 27002(b)(4), cannot survive
 25 any level of heightened scrutiny.

26 96. Strict scrutiny requires a law to be narrowly tailored to a "compelling" government
 27 interest. *Reed*, 576 U.S. at 171. By contrast, intermediate scrutiny requires a law to be narrowly
 28

tailored to a “significant” government interest. *Packingham*, 582 U.S. at 105-06.

97. The State cannot demonstrate that the Act’s personalized-feed provisions are narrowly tailored to serve either a compelling or significant government interest. While the State has an interest in protecting minors—one which TikTok shares—here, the State has not “specifically identif[ied] an ‘actual problem’ in need of solving” to which these provisions effectively respond. *Brown*, 564 U.S. at 799 (quoting *Playboy Ent. Grp.*, 529 U.S. at 822-23). Despite the State’s concern with so-called “addictive” feeds, these provisions do not focus on any *addiction*, but rather any personalized feed available on the platform, assuming personalization amounts to addiction without basis. The Act’s labeling is merely a sleight-of-hand that exposes that its means are not narrowly tailored to its ends.

98. Moreover, the Act does not outright forbid TikTok from providing personalized feeds to teens. Instead, it requires parental consent before doing so. “That is not how one addresses a serious social problem.” *Id.* at 802. Teens cannot, for example, buy alcohol with parental consent. In any event, the platform (not to mention the internet in general) already has numerous tools that enable parents to exercise exactly the oversight the State envisions, if they so desire. “Filling [any] remaining modest gap in concerned parents’ control can hardly be a compelling state interest.” *Id.* at 803.

99. Nor can the State demonstrate that the Act’s personalized-feed provisions are “the least restrictive means” of achieving its interest, *Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595, 607 (2021) (quotation marks omitted), or that they do not “burden substantially more speech than is necessary to further” a significant interest, *Packingham*, 582 U.S. at 105-06 (quotation marks omitted).

100. Parents have many means of supervising their teens' access to social media, including the tools the TikTok platform already provides. *Cf. Brown*, 564 U.S. at 803 (assessing existing means of achieving State's goal in assessing whether law narrowly tailored). If the State believed parents were doing an insufficient job of managing their teens' social media use, it could have "educat[ed] children and parents" on the alleged dangers of social media use, or even

1 “incentiviz[ed] companies to offer voluntary” tools to assist parents.⁴¹ *NetChoice, LLC*, 113
 2 F.4th at 1121. The State’s decision instead to “impose *governmental* authority, subject only to a
 3 parental veto,” *Brown*, 564 U.S. at 795 n.3, ignored those alternatives and was therefore not the
 4 least restrictive means of accomplishing its goal. *See Playboy Ent. Grp.*, 529 U.S. at 826 (finding
 5 speech regulation not least restrictive means where option of added communication and support
 6 to assist parental monitoring existed).

7 101. The personalized-feed provisions are fatally overinclusive because, for example,
 8 they restrict access to vast amounts of information in personalized feeds—including compilations
 9 of political, educational, and news videos—that are not only not harmful to teens, but that lie at
 10 the core of First Amendment protections.

11 102. The personalized-feed provisions are also fatally underinclusive. For one thing,
 12 they prohibit the provision of recommended content on some platforms but not the very same
 13 content on others. For example, an e-commerce website could serve teens an unlimited feed of
 14 products likely to catch their eye, but TikTok’s provision of the same feed (absent parental
 15 consent) would violate the Act. Such underinclusiveness “raises serious doubts about whether the
 16 government is in fact pursuing the interest it invokes, rather than disfavoring a particular
 17 speaker.” *Brown*, 564 U.S. at 802. In addition, the provisions allow other platforms—such as
 18 Netflix and the New York Times—to recommend videos and other content to people based on
 19 what their prior use of the platform has revealed about their interests and preferences.

20 103. Finally, the Act’s parental-consent provisions impose an invalid prior restraint,
 21 “the most serious and the least tolerable infringement on First Amendment rights,” *Neb. Press
 22 Ass’n v. Stuart*, 427 U.S. 539, 559 (1976). Long condemned as “presumptively unconstitutional,”
 23 prior restraints require the government to “carr[y] a heavy burden of showing justification.” *Id.* at
 24 558. The Act flatly bans TikTok from disseminating certain editorial content—personalized
 25 feeds—to teens, which is a classic prior restraint. That the Act does permit such dissemination
 26 with parental consent does not solve the First Amendment problem because, by requiring the

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⁴¹ The State has taken this approach in other contexts. *See, e.g.*, Cal. Dept. of Education, *Media
 28 Literacy Resources*, <https://www.cde.ca.gov/ci/cr/ml/index.asp> (last visited Nov. 13, 2025).

1 consent of parents for access to personalized feeds, the Act deputizes parents, guardians, and
 2 other caregivers to act as agents of the government applying whatever standards the parents
 3 decide to apply. The Act thus creates a framework that closely resembles “a licensing statute
 4 placing unbridled discretion in the hands of a government official,” which “constitutes a prior
 5 restraint and may result in censorship.” *City of Lakewood v. Plain Dealer Publ’g Co.*, 486 U.S.
 6 750, 757 (1988). “[E]ven if the government may constitutionally impose content-neutral
 7 prohibitions on a particular manner of speech, it may not *condition* that speech on obtaining a
 8 license or permit from a government official in that official’s boundless discretion.” *Id.* at
 9 764. That is because “a law or policy permitting communication in a certain manner for some but
 10 not for others raises the specter of content and viewpoint censorship” and that “danger is at its
 11 zenith when the determination of who may speak and who may not is left to the unbridled
 12 discretion of a government official.” *Id.* at 763.

13 104. Although the government may, of course, protect parental rights, “it does not
 14 follow that the state has the power to prevent children from hearing or saying anything *without*
 15 *their parents’ prior consent.*” *Brown*, 564 U.S. at 795 n.3. The Act deputizes private
 16 individuals—parents—to act as viewpoint-based licensors on behalf of the government,
 17 exercising their standardless “unbridled discretion,” *Lakewood*, 486 U.S. at 757. This
 18 contravenes the Supreme Court’s recent unanimous holding in *Nat’l Rifle Ass’n of Am. v. Vullo*: “[A] government official cannot do indirectly what she is barred from doing
 19 directly.” 602 U.S. 175, 190 (2024) (citing *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 67-69
 20 (1963)).

22 105. Unless declared invalid and enjoined, the Act’s personalized-feed provisions,
 23 §§ 27001(a), 27002(b)(2), 27002(b)(4), will unlawfully deprive TikTok and the people on the
 24 platform of their fundamental First Amendment rights.

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COUNT II

VIOLATION OF THE FIRST AMENDMENT AS INCORPORATED BY THE

FOURTEENTH AMENDMENT, 42 U.S.C. § 1983

(LIKE-COUNT, NOTIFICATION, AND DISCLOSURE PROVISIONS, §§ 27002(A),

27002(B)(1), 27002(B)(3), 27005)

4 106. TikTok incorporates all prior paragraphs as though fully set forth herein.

5 107. The Ninth Circuit previously held that the Act's like-count provision,
 6 § 27002(b)(3), likely violates the First Amendment on its face and enjoined enforcement of that
 7 provision. *NetChoice II*, 152 F.4th at 1022, 1025.

8 108. This Court previously held that the Act's notification provisions, §§ 27002(a),
 9 27002(b)(1), and disclosure provision, § 27005, likely violate the First Amendment on their face
 10 and enjoined the enforcement of those provisions. *NetChoice I*, 761 F. Supp. 3d at 1224-28,
 11 1229-30, 1232.

12 109. Neither decision limited the injunctive relief to NetChoice and its members. *See*
 13 *NetChoice II*, 152 F.4th at 1025; *NetChoice I*, 761 F. Supp. 3d at 1232.

14 110. Those provisions violate the First Amendment as applied to TikTok for the same
 15 reasons articulated in those earlier decisions.

16 111. Accordingly, the Court should clarify that its preliminary injunction prohibits the
 17 enforcement of those provisions against TikTok.

18 112. Unless enjoined, the Act's like-count, notification, and disclosure provisions,
 19 §§ 27002(a), 27002(b)(1), 27002(b)(3), 27005, will unlawfully deprive TikTok of its rights.

20

COUNT III

DECLARATORY RELIEF, 42 U.S.C. § 1983, 28 U.S.C. § 2201

22 113. TikTok incorporates all prior paragraphs as though fully set forth herein.

23 114. The Act's personalized-feed provisions, §§ 27001(a), 27002(b)(2), 27002(b)(4),
 24 violate the First Amendment as incorporated by the Fourteenth Amendment. They thereby
 25 deprive TikTok of its enforceable rights.

26 115. Federal courts have the power to "declare the rights and other legal relations of
 27 any interested party seeking such declaration." 28 U.S.C. § 2201(a).

116. This Court can and should exercise its equitable power to enter a declaration that the Act's personalized-feed provisions are unconstitutional and otherwise unlawful.

PRAYER FOR RELIEF

TikTok respectfully requests the following relief from the Court:

1. A declaration, pursuant to 28 U.S.C. § 2201, that the personalized-feed provisions of the Protecting Our Kids from Social Media Addiction Act, Cal. Health & Safety Code §§ 27001(a), 27002(b)(2), 27002(b)(4), violate the First Amendment of the United States Constitution as applied to TikTok’s feeds that could be deemed “addictive,” including, but not limited to, those identified above.
2. A preliminary injunction enjoining Defendant and his agents, employees, and all persons acting under their supervision, direction, or control from taking any action to enforce the challenged portions of the Act against TikTok;
3. A permanent injunction enjoining Defendant and his agents, employees, and all persons acting under their supervision, direction, or control from taking any action to enforce the challenged portions of the Act against TikTok;
4. An entry of judgment in favor of TikTok;
5. Attorneys’ fees and costs to which TikTok may be entitled by law, including under 42 U.S.C. § 1988; and
6. Any further relief the Court deems just and proper.

1 Dated: November 13, 2025

Respectfully submitted,

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28 COMPLAINT
Case No. _____