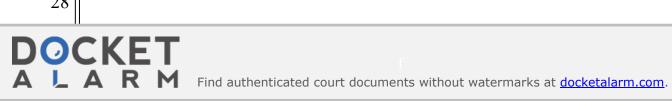1   Joseph R. Saveri (SBN 130064)
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10   UNITED STATES DISTRICT COURT

11   CENTRAL DISTRICT OF CALIFORNIA

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13   **CANDIE FRAZIER**, individually and   Civil Action No. 2:21-cv-9913
     on behalf of all others similarly situated,

14   **COMPLAINT AND DEMAND FOR**
                                              JURY TRIAL
15   *Plaintiffs*,

16   v.   CLASS ACTION

17   **BYTEDANCE INC. and TIKTOK**
18   **INC.**

19   *Defendants*.

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Plaintiff Candie Frazier, on behalf of herself and all others similarly situated, brings this Class Action Complaint against Defendants ByteDance Inc. and TikTok Inc. ("Defendants") for negligence, negligent exercise of retained control, and violations of California Unfair Competition Law ("UCL"), Cal. Bus. & Prof. Code § 17200 *et seq.*, UCL §17200, demanding a trial by jury on all claims for which a jury is authorized. Plaintiff Frazier makes the following allegations based on personal knowledge as to the facts pertaining to herself and upon information and belief, including the investigation of counsel, as to all other matters.

INTRODUCTION

1.   Plaintiff Candie Frazier is a content moderator who seeks to protect herself and all others similarly situated from the dangers of psychological trauma resulting from exposure to graphic and objectionable content on ByteDance, Inc.'s (ByteDance) TikTok application ("app") and ByteDance's failure to provide a safe workplace for the thousands of contractors who are entrusted to provide the safest possible environment for TikTok users.

2.   Every day, TikTok users upload millions of videos to its platform. Millions of these uploads include graphic and objectionable content such as child sexual abuse, rape, torture, bestiality, beheadings, suicide, and murder. To maintain a sanitized platform, maximize its already vast profits, and cultivate its public image, TikTok relies on people like Plaintiff Frazier—known as "Content Moderators"—to view those videos and remove any that violate the corporation's terms of use.

3.   Plaintiff works for the firm Telus International ("Telus"), which provides Content Moderators for TikTok, a popular app owned by ByteDance. ByteDance is an important client of Telus International. TikTok is a social media application that allows users to create and share short videos that can be edited with background music and other special effects

4.   While working at the direction of ByteDance and TikTok, Content Moderators—including Plaintiff Frazier—witness thousands of acts of extreme and

graphic violence, including sexual assault, genocide, rape, and mutilation. Plaintiff Frazier views videos of the genocide in Myanmar, mass shootings, children being raped, and animals being mutilated. Content Moderators like Plaintiff Frazier spend twelve hours a day reviewing and moderating such videos to prevent disturbing content from reaching TikTok's users.

5.   Content Moderators also face repeated exposure to conspiracy theories (including suggestions that the COVID-19 pandemic is a fraud), distortions of historical facts (like denials that the Holocaust occurred), fringe beliefs, and political disinformation (like false information about participating in the census, lies about a political candidate's citizenship status or eligibility for public office, and manipulated or doctored videos of elected officials). This type of content has destabilized society and often features objectionable content.

6.   As a result of constant and unmitigated exposure to highly toxic and extremely disturbing images at the workplace, Ms. Frazier has developed and suffers from significant psychological trauma including anxiety, depression, and posttraumatic stress disorder ("PTSD").

7.   ByteDance and TikTok are aware of the negative psychological effects that viewing graphic and objectionable content has on Content Moderators. Despite this knowledge, they have not implemented safety standards known throughout the industry to protect their Content Moderators from harm.

8.   These safety standards could have reduced the risk and mitigated the harm suffered by Content Moderators working on behalf of ByteDance and TikTok.

9.   ByteDance and TikTok failed to implement workplace safety standards. Instead, they requires their Content Moderators to work under conditions they know cause and exacerbate psychological trauma.

10.   By requiring their Content Moderators to review graphic and objectionable content, ByteDance and TikTok require Content Moderators to engage in abnormally dangerous activities. And by failing to implement the workplace safety standards they

helped develop, ByteDance and TikTok violates California law. By imposing non-disclosure agreements, ByteDance and TikTok exacerbate the harm they cause to Content Moderators.

11.   Without this Court's intervention, ByteDance and TikTok will continue to injure Content Moderators and breach the duties they owe to Content Moderators who review content on their platform.

12.   On behalf of herself and all others similarly situated, Plaintiff Frazier brings this action (1) to compensate Content Moderators that were exposed to graphic and objectionable content on ByteDance's TikTok platform; (2) to ensure that ByteDance and TikTok provide Content Moderators with tools, systems, and mandatory ongoing mental health support to mitigate the harm reviewing graphic and objectionable content can cause; and (3) to provide mental health screening and treatment to the thousands of current and former Content Moderators affected by ByteDance's and TikTok's unlawful practices.

<div align="center">JURISDICTION AND VENUE</div>

13.   This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(d) and 1367 because: (i) this is a class action in which the matter in controversy exceeds the sum of $5,000,000, exclusive of interest and costs; (ii) there are 100 or more class members; and (iii) some members of the class, including Plaintiff Frazier, are citizens of states different from some Defendants, and also because two Defendants are citizens or subjects of a foreign state.

14.   This Court has personal jurisdiction over Defendants because: (i) they transact business in the United States, including in this District; (ii) they have substantial aggregate contacts with the United States, including in this District; (iii) they engaged and are engaging in conduct that has and had a direct, substantial, reasonably foreseeable, and intended effect of causing injury to persons throughout the United States, including in this District, and purposely availed themselves of the laws of the

United States. TikTok is headquartered in the Los Angeles County and regularly conducts substantial business there including at its office in Culver City, California.

15. Venue is proper in this judicial District pursuant to 28 U.S.C. § 1391(b), (c) and (d), because a substantial part of the events giving rise to Plaintiffs' claims occurred in this District, a substantial portion of the affected interstate trade and commerce was carried out in this District, and one or more of the Defendants reside in this District or are licensed to do business in this District. TikTok and ByteDance transacted business, maintained substantial contacts, or committed tortious acts in this District, causing injury to persons residing in, located in, or doing business throughout the United States, including in this District. TikTok is headquartered in the Los Angeles County and conducts substantial activities business there. Plaintiff Frazier and the proposed class have been, and continue to be, injured as a result of TikTok' s and ByteDance's illegal conduct in the County of Los Angeles.

<div align="center">**PARTIES**</div>

16. Plaintiff Frazier is a resident of Las Vegas, Nevada who works as a Content Moderator, reviewing content for ByteDance and TikTok. During this period, Plaintiff has been employed by Telus International.

17. Defendant ByteDance Inc. is, and at all relevant times was, a Delaware corporation with its principal place of business in Mountain View, California.

18. Defendant TikTok Inc. ("TikTok") relevant times was, a California corporation with its principal place of business at 5800 Bristol Pkwy, Culver City, Los Angeles County, California. Defendant TikTok also maintains offices in Palo Alto, California and Mountain View, California. TikTok is owned by ByteDance. Defendants ByteDance Inc. and TikTok Inc. are referred to collectively as the "ByteDance Defendants."

19. In doing the things alleged herein, each of the ByteDance Defendants was aware of and was aiding and abetting the actions of the other.

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