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13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA

15 **CANDIE FRAZIER**, individually and  
16 on behalf of all others similarly situated,

17 *Plaintiffs,*

18 v.

19 **BYTEDANCE INC. and TIKTOK**  
20 **INC.**

21 *Defendants.*

22 Civil Action No. 2:21-cv-9913

23 **COMPLAINT AND DEMAND FOR**  
24 **JURY TRIAL**

25 **CLASS ACTION**

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

### 9 INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 15 JURISDICTION AND VENUE

16 13. This Court has subject matter jurisdiction over this action pursuant to 28  
17 U.S.C. § 1332(d) and 1367 because: (i) this is a class action in which the matter in  
18 controversy exceeds the sum of \$5,000,000, exclusive of interest and costs; (ii) there are  
19 100 or more class members; and (iii) some members of the class, including Plaintiff  
20 Frazier, are citizens of states different from some Defendants, and also because two  
21 Defendants are citizens or subjects of a foreign state.

22 14. This Court has personal jurisdiction over Defendants because: (i) they  
23 transact business in the United States, including in this District; (ii) they have substantial  
24 aggregate contacts with the United States, including in this District; (iii) they engaged  
25 and are engaging in conduct that has and had a direct, substantial, reasonably  
26 foreseeable, and intended effect of causing injury to persons throughout the United  
27 States, including in this District, and purposely availed themselves of the laws of the  
28

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

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

#### 14 **PARTIES**

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

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

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

26 19. In doing the things alleged herein, each of the ByteDance Defendants was  
27 aware of and was aiding and abetting the actions of the other.  
28

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