

## IN THE SUPERIOR COURT OF ALLEN COUNTY

STATE OF INDIANA,

*Plaintiff,*

v.

TIKTOK INC.,

and

BYTEDANCE LTD.,

*Defendants.*

Case No. \_\_\_\_\_

**MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to IND. CODE § 24-5-0.5-4(c) and Indiana Trial Rule 65, the State of Indiana through its Attorney General respectfully moves to preliminarily enjoin TikTok Inc. and ByteDance Ltd. from continuing to make any of the following representations about the TikTok application: (1) representing to consumers through their representations to the Apple App Store that the TikTok application contains “none” or only “infrequent/mild” “alcohol, tobacco, or drug references,” “sexual content or nudity,” “mature/suggestive themes,” or “profanity or crude humor;” (2) representing to consumers through their representations to the Apple App Store that the TikTok application qualifies for a “12+” age rating. The representations just listed violate Indiana’s Deceptive Consumer Sales Act, IND. CODE § 24-5-0.5, *et seq.* These representations are “unfair, abusive, or deceptive act[s], omission[s], or practice[s] in connection with a consumer transaction” and are therefore ongoing, present violations of Indiana law. *Id.* § 24-5-0.5-3(a).

A preliminary injunction is warranted because Indiana is substantially likely to prevail on the merits of its claim that TikTok’s misrepresentations in the App Store are “unfair, abusive, or deceptive act[s], omission[s] or practice[s] in connection with a consumer transaction.” *Id.* Also, Indiana consumers are being irreparably harmed so long as a preliminary injunction does not issue

because TikTok is continuing to deceive consumers in the App Store with its ongoing misrepresentations. This injury to Indiana consumers outweighs any potential harm to TikTok from granting a preliminary injunction because TikTok is already obligated to convey only *truthful* information to Indiana consumers, and a preliminary injunction would merely require TikTok to follow the law. Lastly, the public interest would be served by a preliminary injunction, which would protect Indiana consumers (and particularly Indiana children) from TikTok's ongoing misrepresentations in the App Store.

As a governmental organization, the State need not post a security. Ind. R. Civ. P. 65(C).

Date: December 7, 2022

Respectfully submitted,

/s/ Scott L. Barnhart

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\*Applications for admission *pro hac vice*  
forthcoming