

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION**

MDL No. 3047

ORDER VACATING CONDITIONAL TRANSFER ORDER

Before the Panel:* Plaintiffs in the action listed on Schedule A (*Nasca*) move under Panel Rule 7.1 to vacate our order that conditionally transferred the action to the Northern District of California for inclusion in MDL No. 3047. Defendants ByteDance Inc., Bytedance, LTD., and TikTok Inc. (together, TikTok) oppose the motion.

After considering the argument of counsel, we find that the procedural posture of this litigation makes Section 1407 transfer unnecessary at this time. In our order centralizing this litigation, we held that centralization was warranted for actions sharing factual questions arising from allegations that defendants' social media platforms are defective because they are designed to maximize user screen time, which can encourage addictive behavior in adolescents. *See In re Social Media Adolescent Addiction/Personal Injury Prods. Liab. Litig.*, __ F. Supp. 3d __, 2022 WL 5409144, at *2 (J.P.M.L. Oct. 6, 2022). As in many actions in the MDL, the *Nasca* plaintiffs allege that the TikTok defendants' social media platform is designed to promote addictive behavior among minors by encouraging them to maximize time spent on the platform, and that these defendants prioritize minor engagement over user safety. They also allege that TikTok has inadequate parental controls and monitoring, as well as inadequate parental notification of problematic platform usage. Plaintiffs allege that their son became addicted to the TikTok platform, which fed him harmful content, leading him to take his life at age 16 by stepping in front of a train. In addition to the TikTok defendants, plaintiffs bring claims against defendants Metropolitan Transportation Authority, MTA Long Island Railroad, Long Island Railroad, and the Town of Islip for failure to fence off a portion of train tracks.

Plaintiffs do not dispute that their action and the actions in MDL No. 3047 share common factual questions. Instead, in support of their motion to vacate, plaintiffs argue that the Panel

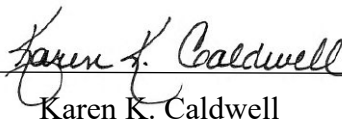
* Judge David C. Norton took no part in the decision of this matter.

Additionally, one or more Panel members who could be members of the putative classes in this litigation have renounced their participation in these classes and have participated in this decision.

should allow the Eastern District of New York to rule on their pending motion for remand to state court. The Panel has held that such jurisdictional objections generally do not present an impediment to transfer. *See, e.g., In re Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347–48 (J.P.M.L. 2001) (“[R]emand motions can be presented to and decided by the transferee judge.”). But on July 27, 2023, the magistrate judge recommended plaintiffs’ motion to remand to state court be granted. We think it most efficient to allow the Eastern District of New York to review the recommendation and any objections defendants file. Should *Nasca* remain in federal court once all proceedings relating to the magistrate judge’s report and recommendation are concluded, the parties can notify the Panel at that time.

IT IS THEREFORE ORDERED that plaintiffs’ motion to vacate the conditional transfer order designated as “CTO-7” is GRANTED

PANEL ON MULTIDISTRICT LITIGATION



Karen K. Caldwell
Chair

Nathaniel M. Gorton
Roger T. Benitez
Madeline Cox Arleo

Matthew F. Kennelly
Dale A. Kimball

**IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION**

MDL No. 3047

SCHEDULE A

Eastern District of New York

NASCA, ET AL. v. BYTEDANCE, LTD, ET AL., C.A. No. 2:23-02786