

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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KATIE ELLEN PURIS,	:
	:
Plaintiff,	:
	:
v.	:
	:
	:
TIKTOK INC.; BYTEDANCE LTD.;	:
BYTEDANCE INC.; DOUYIN CO., LTD; and	:
LIDONG ZHANG,	:
	:
Defendants.	:
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Civil Case No.: 24 CV 944 (DLC)

**SECOND AMENDED
COMPLAINT**

Jury Trial Demanded

Plaintiff Katie Ellen Puris (“Plaintiff” or “Ms. Puris”) hereby alleges, by and through her undersigned counsel, Wigdor LLP, as and for her Complaint against Defendants TikTok Inc. (“TTI”), Bytedance Ltd. (“BDL”), Bytedance Inc. (“BDI”), Douyin Co., LTD (“Douyin”)¹ (TTI, BDL, BDI and Douyin, collectively, “ByteDance” or the “Company”) and Lidong Zhang (“Mr. Lidong”) as follows:

PRELIMINARY STATEMENT

1. Ms. Puris, a former ByteDance female marketing executive with responsibility over the TikTok product, filed this action on February 8, 2024. The initial Complaint in this action laid out, in detail, how Ms. Puris was subjected to sexual harassment and blatant discrimination on account of her gender, age and health issues, and fired because she had the audacity to complain about ByteDance’s unlawful conduct.

¹ Douyin Co., LTD was named in the amended complaint as Douyin Limited. Douyin’s counsel has taken the position that the company’s “name” is Douyin Co., LTD, rather than Douyin Limited, so Plaintiff has made that change in the caption. It is Plaintiff’s understanding that the actual “name” of the company is “抖音有限公司,” and that both Douyin Co., Limited and Douyin Limited are appropriate translations.

2. The initial Complaint was filed against BDL and TTI. However, shortly after it was filed, counsel for TTI – not BDL – claimed that BDL did not even employ Ms. Puris. This is despite the fact that the initial Complaint laid out, in detail, that BDL executives, including Mr. Lidong, were responsible for the discrimination and retaliation at issue herein. Counsel for TTI – again, not BDL – further claimed that BDL does not employ *anyone*. As such, TTI’s counsel urged Ms. Puris to “drop” BDL as a Defendant in this action.

3. As it turns out, and as any tenured employee of TTI or BDI knows, these representations – that neither Ms. Puris nor anyone else was or is employed by BDL – are completely untrue. Indeed, it seems that they were made in order to stay consistent with TTI’s ongoing efforts to convince the United States Congress and the public at large that TTI, and the TikTok product, are *not* controlled by BDL, a company founded and headquartered in China.

4. To that end, **starting at least as far back as late 2020**, in the face of growing scrutiny regarding data privacy and the Chinese government’s influence over the TikTok product, BDL announced organizational changes designed to trick the world into believing that its China-based leadership was stepping back from TTI and the TikTok product as a whole.

5. One of these organizational changes was to claim that BDL’s Chinese co-founder and Chief Executive Officer (“CEO”), Yiming Zhang (“Mr. Yiming”), was stepping out of his role and drawing back from the Company.

6. A second organizational change was to install Shou Zi Chew, BDL’s Chief Financial Officer (“CFO”) into the position of Chief Executive Officer at TTI.

7. By making these moves, BDL was hoping that U.S. lawmakers, regulatory agencies and the general public would believe BDL’s many false promises and representations that the business of TTI is not controlled out of China.

8. By way of example, in prepared remarks delivered to the United States Congress in March 2023, Mr. Chew wrote, “I am responsible for all of TikTok’s business operations and our strategic direction worldwide.” Mr. Chew would later testify that he was not in frequent contact with Douyin (Chinese analogue to TikTok) CEO Kelly Zhang and Zhang Fuping (the Vice President and Editor-in-Chief of the ByteDance’s Chinese operation, who also serves as its Secretary of the Company’s Communist Party committee).

9. These statements to Congress were false.

10. The reality, as put by Senior Human Resources executive, Kate Barney, is that Mr. Chew is a “ByteDance lifer” himself. Far from being responsible for all of TTI’s business operations and strategic direction, Mr. Chew was and remains nothing more than a conduit for BDL’s Chinese-based leadership; most notably: (i) Mr. Yiming, who has not in fact removed himself from day-to-day management decisions; (ii) Liang Rubo, BDL’s other Chinese co-founder, current BDL CEO and Mr. Chew’s direct supervisor; and (iii) Defendant Lidong Zhang (“Mr. Lidong”), the Chairman of BDL’s China region who is also an executive of Douyin, the Chinese analogue to TikTik.

11. Ultimately, as described in great detail herein, Mr. Yiming, Mr. Rubo, Mr. Lidong and other Chinese BDL executives control TTI’s basic operations from matters such as headcount and budget allocations, staffing levels, compensation, hiring, performance reviews, termination decisions, marketing (strategic and tactical), branding (strategic and tactical), policies, including anti-discrimination policies, handbooks, complaint procedures, and culture.

12. In fact, Ms. Puris was a member of the exclusive executive team of 300 leaders (less than .3% of the Company) across ByteDance. Members of this executive team include TikTok’s *real* decision makers, *e.g.*, BDL and Douyin executives, Mr. Yiming, Mr. Lidong, Mr.

Liang, Kelly Zhang (CEO of Douyin) and Zhang Fuping (the Vice President and Editor-in-Chief of the ByteDance’s Chinese operation, who also serves as its Secretary of the Company’s Communist Party committee). These 300 leaders connected privately and around the clock through Lark (another ByteDance product), as well as during monthly meetings. It is through these communications and meetings that decisions regarding TikTok’s “business operations and [] strategic direction” are made – and, again, not by Mr. Chew, but by BDL and Douyin executives. Screenshots from these messages and meetings are contained herein.

13. For nearly three years, Ms. Puris, based out of New York, was one of the highest-ranking executives working on the TikTok product. When she joined the Company, only a few hundred people at most were dedicated to the TikTok product and the ad spend on the platform was merely a rounding error for marketers. The name TikTok did not resonate for the vast majority of people over the age of 18, but the platform had promise. Ms. Puris was inspired by the opportunity to join a start-up that seemed to be catching fire, with a user experience that was described as “the last sunny corner of the internet.”

14. During her employment, Ms. Puris’ accomplishments were myriad, including, *inter alia*:

- Developing, leading and inspiring three exceptional teams, defining organizational models, roles and deliverables, and ensuring excellence in their work through thousands of campaigns that launched in every region of the world;
- Developing the creative ideas that put TikTok on the map for marketers, not only by sharing radical ideas for advertising but equally igniting the revenue pipeline, which continues to fuel TikTok’s success today;
- Delivering visions and thought leadership at a time when TikTok did not know how to communicate their competitive position to the industry;

- Building strategic recommendations, systems and tools to ensure transparency and collaboration between her global organizations through to regional teams;
- Being a steadfast advocate for her team, never faltering in her efforts to fuel their creative talent and ensuring their needs were raised to executive leadership;
- Serving as a frequent public speaker for TikTok. During 2020, while TikTok was facing a shutdown and confusion ensued about the future of the company, Ms. Puris did more public speaking than anyone else in the Company; and
- Consistently delivering ideas that did not exist on anyone's roadmaps, on top of her remit based on her commitment to the success of TikTok. For example, she proactively drafted TikTok's first Diversity Mission.

15. Notwithstanding Ms. Puris' outstanding performance and contributions to TikTok and ByteDance at large, however, Defendants acted as a single and/or joint employer to maliciously discriminate against her because of her age and the fact that she is a woman. Then, when Ms. Puris began experiencing significant health issues because of the discrimination, daily harassment and hostile work environment to which she was being subjected, Defendants callously failed to accommodate her in any way and interfered with her rights to take leave under the Family and Medical Leave Act ("FMLA").

16. Finally, when she complained about this unlawful misconduct, as well as overt sexual harassment to which she was subjected, Ms. Puris was retaliated against and ultimately fired mere days after making a complaint to Wendy Jimenez, the Head of Global HR for TTI, concerning sexual harassment, age and gender discrimination.

17. The existence of this discrimination and retaliation is not merely Ms. Puris' supposition, nor is the fact that the Defendants are a joint or single employer and/or aided and abetted the discrimination to which Ms. Puris was subjected.

18. Rather, there is a mountain of evidence that substantiates the allegations made herein, including statements made on or in recorded calls and meetings, as well as screenshots of emails, messages, presentations and other documents that establish the merits of Ms. Puris' claims and the liability of the named Defendants.²

19. By way of one prominent example of BDL's continued involvement in the day-to-day minutia of TTI, see the January 2022 termination of Ms. Puris'-then supervisor, Nick Tran, TTI's former Global Head of Marketing.

20. As is laid out in significant detail below, Mr. Tran's employment – like Ms. Puris', his direct report – was controlled completely by BDL's executive leaders. At one point the micromanagement over his “in the weeds” marketing decisions for TikTok became so overbearing that, as described by Mr. Tran:

The China leadership teams were basically just like, like, who do you think you are going off and doing these things and like, make sure to apologize to us and express that you won't do this again. It's just like what? Like what is this? Like what's going on? So I'm definitely seeing this huge tension between like China leadership and then non-China leadership. So we're gonna have to navigate through that a little bit.

...

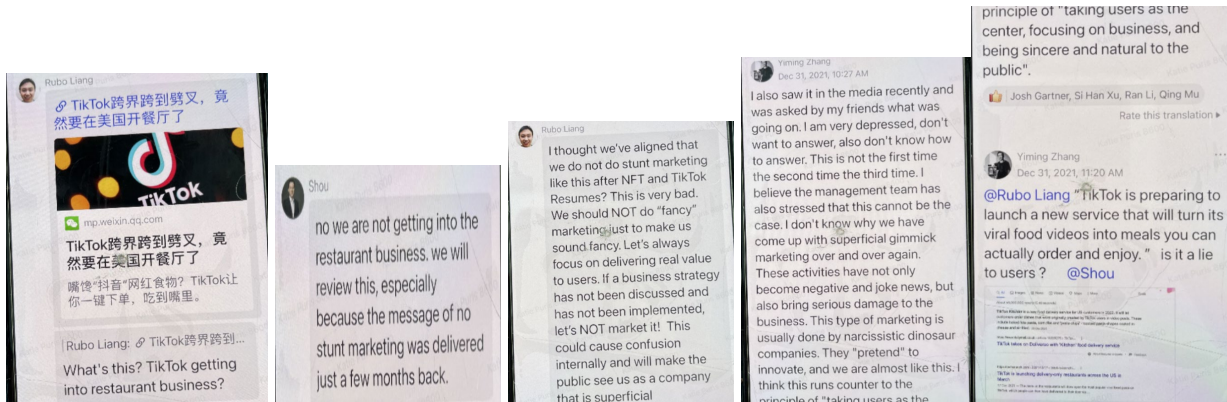
And like it's a Chinese company, so I just have to like, like I literally just had to under like, nod and like say like, understood, won't, won't, won't do that again. And all that fun stuff. So it was a humbling meeting.

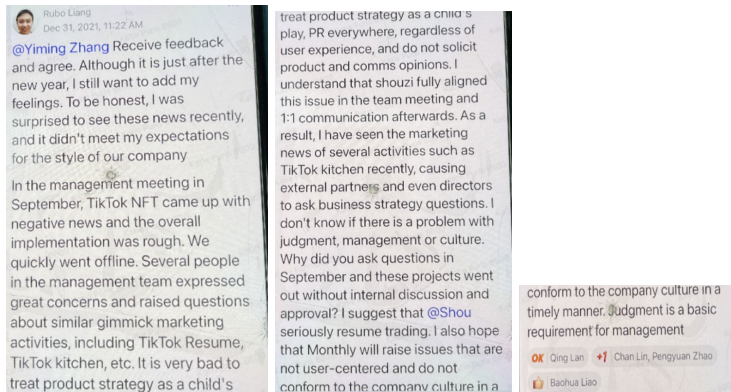
21. This was in the fall of 2021. Then, in December 2021, *after* Mr. Yiming purportedly stepped away from his management of ByteDance, BDL's China-leadership team

² To be clear, Ms. Puris did not initially record interactions and take screenshots of important communications with the thought that any of them might wind up in a federal filing. Rather, Ms. Puris began recording materials to: (i) memorialize the excitement of an incredibly important time in her career and the history of TikTok; and (ii) to help her maximize the efficiency and effectiveness of her work by allowing her to review materials multiple times or with others. As time went on, and Ms. Puris realized the unlawful nature of the conduct described herein, she maintained records as evidence of the unlawful discrimination and retaliation to which she was subjected.

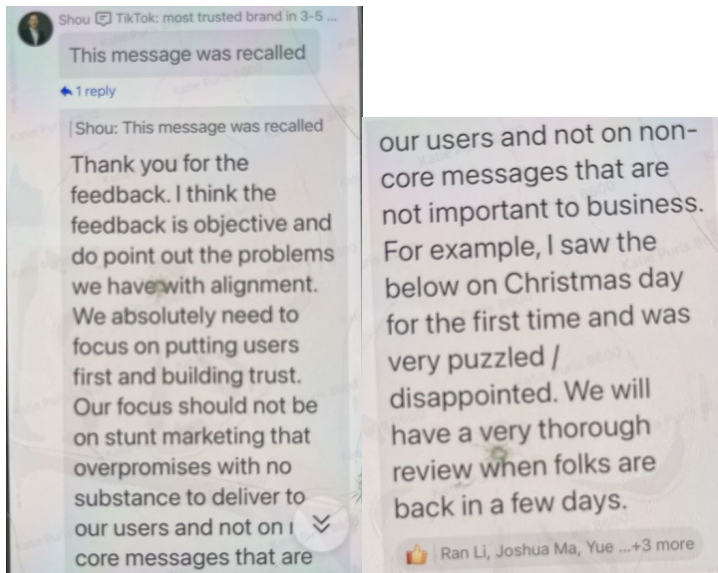
took issue with marketing tactic employed by Mr. Tran related to the restaurant business. They began discussing this financially immaterial marketing tactic in the leadership group chat referenced above.

22. As can be seen below, Mr. Rubo first criticizes the tactic and demands that marketing tactics not be used unless BDL’s leadership has been brought into the decision-making process. Mr. Chew’s initial response is deferential. Then, Mr. Yiming – *who at this point was not supposed to have any management oversight over any BDL subsidiaries, much less TTI* – jumps in. Immediately thereafter, Mr. Rubo, echoes and *defers* to Mr. Yiming’s sentiments, “suggests” a course of action for Mr. Chew and again reiterates that: (i) BDL-approval is required for these day-to-day marketing decisions; and (ii) employees working on the TikTok product must “conform” to BDL’s culture. Apparently, Mr. Chew’s initial response was not apologetic enough, so BDL executives continued to push Mr. Chew by reposting their original critiques.

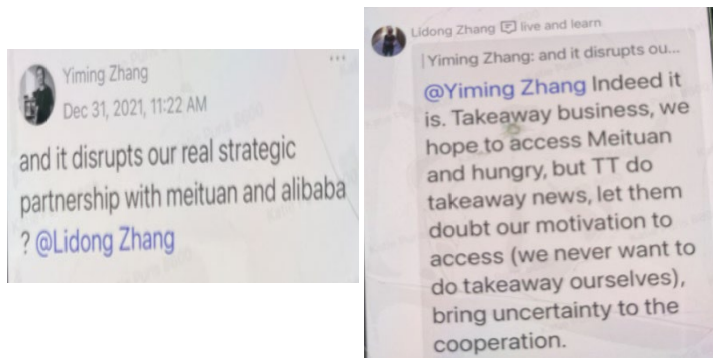




23. Seeing all of this, as well as 37 emojis supporting the BDL senior executives – including from Douyin CEO, Ms. Zhang – Mr. Chew “recalls” his initial post, completely capitulates and accedes without question to the wishes of BDL’s executive leadership.



24. As it turned out, a significant concern from the BDL leadership team was that Mr. Tran’s marketing campaigns might do damage to BDL’s relationships with other Chinese based companies, Meituan and Alibaba.



25. In the midst of all of this, Ran Li, who, upon information and belief, is a senior level manager at Douyin, chimed in by suggesting that ByteDance “never forget what [it] want[s] to be;” *i.e.*, assure adherence to its culture, and that if the “rules” need to be changed to accomplish that, they should just be changed. Moreover, given that the entire conversation was about TikTok, it is clear that Li’s use of the phrase “[W]e are Bytedance no matter what” was intended to convey that the business of TikTok and ByteDance are one and the same.



26. Three days after these messages, Mr. Tran was fired.

27. Shortly after Mr. Tran’s firing, the New York Post published an article claiming that he was terminated for “going rouge.” This article was planted by ByteDance to hide the truth, which is that Mr. Yiming, Mr. Rubo, Mr. Lidong decided that he should be fired because of the impact that certain insignificant tactical marketing decisions might have on BDL’s relationships with other Chinese companies.

28. To be clear, BDL’s grip on TTI and the TikTok product continues to this day. Indeed, after the initial Complaint was filed in this matter, Ms. Puris received various calls of support, including one call from a current, U.S.-based senior leader within TTI. This U.S.-based senior leader confirmed that the Chinese-based control of the American operations of TTI has only gotten *more extreme* since Ms. Puris’ termination.

Everything you experienced, we’ve all experienced. Yeah, you were just on the front end. I know. **It just got more and more Chinese.**

...

And they’re just turning the screws more and more . . . Yeah. Yeah. You know, they put in leaders that dictate the way they want out of China.

...

but yeah, but it’s a shame, you know, **it’s a Chinese company, period, shame, that’s it.**

29. The truth is, ByteDance’s misrepresentations to Congress and the public at large are not made in a misguided effort to defend free speech, but rather, in the words of Michael Beckerman, TTI’s Head of Public Policy, spoken during an August 2022 leadership meeting, “Um, our mission is, uh, to promote political, legislative, regulatory, um, environment that supports the growth of, of the business. **It’s all about the business.**”

* * * * *

30. What happened to Mr. Tran, and what is reflected in the comments above, are merely examples of the myriad evidence that Ms. Puris possesses that establish that BDL maintained (and maintains) control over the minutia of TTI’s business *and* Ms. Puris’ employment, including the discrimination and retaliation to which she was subjected during her employment.

31. By way of example only, Ms. Puris' hiring and onboarding process was heavily influenced by ByteDance executives based in China, and she was required to affirm that she herself was employed by BDL.

- Ms. Puris was required to interview with various leaders in China, including, in Ms. Barney's own words, Ms. Barney's "bosses in China, Walter [Zhou] and []Hong[Du]."
- Ms. Puris was required to interview with Corinna Chen, another Beijing-based employee of BDL and Douyin who held the position of Head of Global Marketing Solutions.
- BDL controls all ByteDance employees, including employees of BDI and TTI (including Ms. Puris), by requiring them to adhere to BDL's policies, practices and agreements. Indeed, the Code of Conduct promulgated by BDL, which is available on its website, is described as a "cornerstone" of the "ByteDance Group entities, its affiliates and subsidiaries."
- The Code of Conduct expressly applies to all employees of BDL *and* its subsidiaries such as BDI and TTI. It also nicknames all employees of BDL *and* its subsidiaries, such as BDI and TTI, "ByteDancers."
- In one hiring document, Ms. Puris was actually required to represent that she was a "director, executive officer or general partner of Bytedance Ltd."
- Ms. Puris was required to sign a 15-page Confidentiality and Inventions Assignment Agreement (the "CIAA") with confidentiality and non-disparagement obligations that bound her with respect not only to BDI, but also with respect to BDI's affiliates, *e.g.*, BDL.
- The CIAA permits the "Employer," which is defined to include BDL and all of its affiliates, to "inspect any electronic device in Employee's possession or under Employee's control which is or was used by Employee in the course of Employee's employment." As such, according to the plain terms of the CIAA, Ms. Puris was required to agree that BDL (or any of BDI's many Chinese affiliates) could require her to turn over her personal electronic devices for inspection.
- BDI and TTI employees, including Ms. Puris, are paid in part through grants of equity in BDL.
- Ms. Puris had to agree to an entirely separate agreement, with a separate Chinese BDL affiliate, Beijing Douyin Information Service Co., Ltd.

(“Beijing Douyin”) to access the Feishu Employee Stock Ownership Plan (“ESOP”) service website, which is where information concerning her equity grants was stored (the “Beijing Douyin Agreement”). In 2021, the Chinese government took a “golden share” 1% stake in Douyin.

- Pursuant to the Beijing Douyin Agreement, Ms. Puris was told she had to agree to “comply with applicable [Chinese] laws and guidelines and abide by public order and good customs, the socialist system, [Chinese] national interests, legal rights of other citizens, and information authenticity requirements information when submitting any information required to use the Feishu ESOP services.”

32. By way of another example, Ms. Puris’ reporting structures throughout her employment led directly to Mr. Lidong and other Chinese-based ByteDance executives.

- Ms. Puris initially reported to Blake Chandlee. According to his LinkedIn profile, Mr. Chandlee held the position of “President, Global Business Solutions at ByteDance / TikTok.” Mr. Chandlee reported directly to Mr. Lidong.
- Just days into starting the job, Ms. Puris was told that she would be dual reporting to Mr. Chandlee and Ms. Chen. Ms. Chen also reported into Mr. Lidong. It was Mr. Lidong who insisted on this dual reporting structure.
- When Ms. Puris was asked to expand and take on Global Business Marketing, she learned that the Global Business Marketing team was already being put together, in China, because ByteDance initially wanted the team to sit where the actual product (TikTok) was built (in Beijing).
- While the Global Business Marketing team ultimately was not “based” in China, Ms. Puris inherited approximately 20 Beijing based employees who were all employed by BDL or one of its Chinese subsidiaries.
- In November 2020, as it became clear that TikTok was not going to be banned in the U.S. at that time, and just as BDL was telling the world that it was not controlling TTI, Mr. Chandlee – at the direction of Mr. Lidong – told his leadership team (including Ms. Puris) that they needed to put more focus and effort into connecting with China, which he referred to as a “superpower” for TTI notwithstanding his concession that “it might sound strange just given some of the, you know, the geopolitical situation.”
- When Mr. Chew was put in the CEO role, Mr. Chandlee *continued to report to Mr. Lidong*, bypassing the CEO that was purportedly hired to decrease Chinese supervision over TTI. In the words of Mr. Chandlee at the time,

“we still report into Beijing, right. And so we’re always gonna have more of a Chinese, like a, more of a Chinese, um, feel to how the business is run.”

- After Mr. Tran’s termination, Ms. Puris began reporting to Vanessa Pappas, TTI’s Chief Operating Officer (“COO”). However, it was obvious that Ms. Pappas could not make any meaningful decision without consulting with the “ByteDance lifer,” Mr. Chew, who, in turn, was in constant consultation with BDL’s leadership.

33. Ms. Puris’ performance reviews and compensation were controlled by Mr. Lidong and other Chinese ByteDance executives.

- Ms. Puris’ compensation was determined by Mr. Lidong. In July, 2020, Mr. Chandlee acknowledged that Ms. Puris was underpaid, but explained that it would be difficult to increase it because even if he, Ms. Chen *and* TTI’s then-CEO, Kevin Meyer supported a compensation increase, *they would still need to persuade Mr. Lidong*, which, in Mr. Chandlee’s words, was “*where the real power lies.*”
- Mr. Chandlee also explained that if TTI spun out of BDL they could “run it like a western company” and would not be “ beholden to the Beijing comp teams,” but that ByteDance was unlikely to agree to a spin out because “the issue is ByteDance. And you know, there’s a sense of pride around TikTok and being the first Chinese company to have a, you know, western success story.”
- Mr. Lidong greatly influenced Ms. Puris performance ratings, so much so that after she began reporting to Mr. Tran, he explained that Mr. Chandlee could not write her performance review (even though he managed her for most of the cycle) because, if he did, Mr. Lidong (who was “not the best objective person”) would see it: “I factored in like Blake[’s input], and even though he didn’t input feedback directly, and I don’t know the nuisances, but there was something with like, if he put it in it goes up to Lidong, and then Lidong is like, not the best objective person in this case, so Blake basically talked me through what he would have done. I incorporated it in my stuff, but we didn’t actually put it in the system because we didn’t want it to go up to Lidong.”
- In addition, ByteDance’s Chinese-based leadership require all employees of its subsidiaries, including TTI, to strictly adhere to “ByteDance Leadership Principles” and act consistent with the Company’s self-phrased “Bytestyles.” These were categories of evaluation on employee performance reviews.

34. The structure, organization, headcount and budget for Ms. Puris' team was all driven by Mr. Lidong and Ms. Chen, among other Chinese ByteDance executives, and her work was discriminatorily critiqued and micromanaged out of China. In fact, BDL micromanaged TTI and the TikTok product entirely.

- The budget and headcount for Ms. Puris' team was set by BDL's executive leadership. BDL also funded the growth of Ms. Puris' team, many members of which sat in Beijing.
- The very structure of, and headcount for, Ms. Puris' team had to be approved by Mr. Lidong, who often overrode the recommendations of the U.S. based team.
- Throughout Ms. Puris' employment, many, many periodic meetings were held in which detailed information concerning the TikTok product and TTI's finances and operations was presented to BDL's executive leadership, and decisions concerning future tactical maneuvers were made for TTI by those leaders. Ms. Puris' team was required to provide updates that were incorporated into these presentations, and presented herself during one of them. Various screenshots from these meetings and presentations can be found at ¶¶ 193, 197,198, below.
- Ms. Puris' work generally, and the information she put together for presentations to BDL, specifically, was heavily micromanaged by Ms. Chen and her subordinate, Jean Zhao, both BDL / Douyin employees based in Beijing. Examples can be seen at ¶ 200, 229.
- When Ms. Puris was working on her business plan for 2021, Ms. Chen severely micromanaged her and emphasized that directives concerning Ms. Puris' organization were coming from Mr. Lidong. A screenshot stating the same can be found at ¶229. Mr. Chandlee conceded that Ms. Puris was being micromanaged (“and so I think that leads to, okay that leads to some of the things that you’re seeing. I think that’s what led to some of the critiquing of the work and the oversight that you’re starting to feel” . . . “the Chinese way of dealing with something”).
- On October 21, 2021, ByteDance held a recurring global leaders meeting. As seen below, in attendance were all of the major players on BDL's senior leadership team, including Mr. Rubo, as well as individuals like Mr. Lidong, Mr. Zhang and Mr. Yiming who purportedly had no ongoing oversight over TTI at the time. All told, over nearly 300 individuals participated. A large focus of the presentations during this meeting was focused on TTI's U.S.-

based operations, revenues and profits, as well as staffing levels and performance review process. Screenshots associated with this meeting can be found at ¶292. Meetings like this were held frequently.

- Shortly before her termination, in August 2022, Ms. Puris was directed by her then-supervisor, Zuber Mohammad, that BDL’s leadership had demanded that she terminate 20 employees. Then, during the performance cycle, Mr. Mohammed and Ms. Jimenez lowered the performance rankings of multiple individuals on Ms. Puris’ team, despite their performance and peer reviews not justifying a low ranking. Quotations and screenshots of this behavior can be found at ¶376, below.

35. In micromanaging Ms. Puris’ work, Mr. Lidong gave discriminatory hiring directives that were reflective of the views of Mr. Yiming and other senior leaders. They were also reflective of the Company’s overall culture of age and gender discrimination, as well as the age and gender discrimination to which Ms. Puris was directly subjected.

- Mr. Lidong got deep “into the weeds” and directed Ms. Chandlee, and, by extension, Ms. Puris, to hire specific types of people. Specifically, he wanted to focus on hiring younger people. This was often couched in terms of “level” or “seniority” to avoid putting unlawful age discrimination directives explicitly in writing, but the meanings were obvious. One such message from Mr. Chandlee, relaying the hiring directives of Mr. Lidong, is depicted in ¶186, below.
- In the second half of 2021, after Mr. Yiming had supposedly stepped back, he spoke at length during a management meeting about his hiring philosophy. Specifically, he said that he would rather hire someone inexperienced and young than someone experienced. He also stated that older people are less willing to change, less innovative and slower and he expressed a desire for a younger approach and a preference for hiring young people.
- Sam Singh, who was the Head of Global Business Solutions for APAC before being moved into the same position in North America (upon information and belief, by Mr. Lidong), and Shant Oknayan, then the General Manager for Business in East Europe, Middle East & Africa, also espoused thinly veiled discriminatory hiring philosophies. Related screenshots are located at ¶¶189, 191.
- When Mr. Chew was moved into the CEO role, he amplified the already existent “996” culture at TikTok, which is a term referring to the requirement that employees work from 9 a.m. to 9 p.m. for six days a week,

or 72 hours per week. The 996 culture disproportionately favored younger, male employees, who were less likely to have childcare and other family obligations outside of work. Conversely, the 996 culture was more often hostile to female employees, including Ms. Puris, who were expected to eschew outside obligations, lest they be punished for failing to meet unrealistic work expectations.

36. There is significant additional evidence that discrimination is afoot at ByteDance. By way of example, the makeup of the Company's leadership makes clear that it is a company run by men, for men. To begin, notwithstanding the false claim that Mr. Yiming is no longer a leader at ByteDance, he is literally the only person identified as a leader on BDL's website.

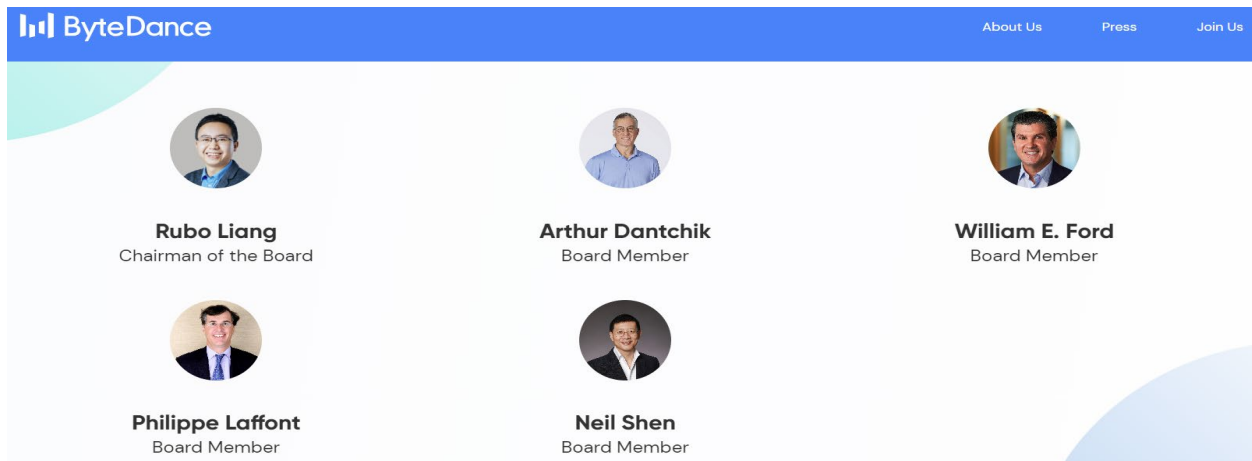
Leadership



Yiming Zhang

See <https://www.bytedance.com/en/resources/executives>.

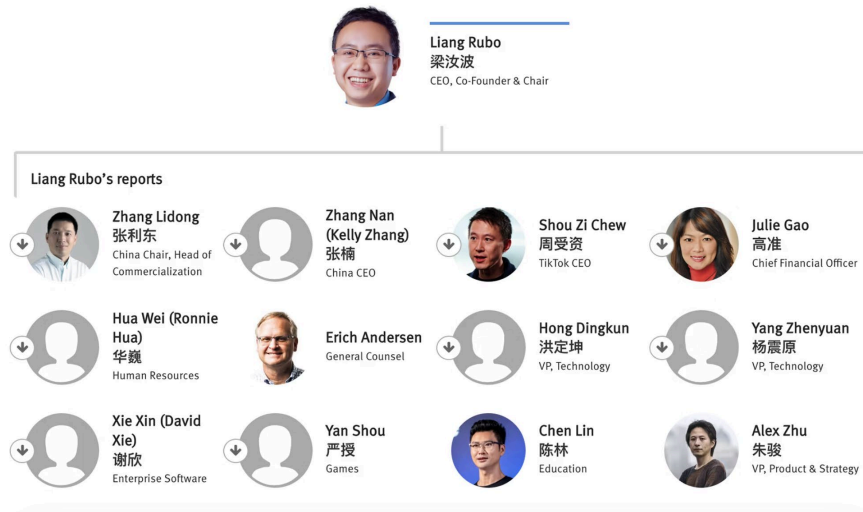
37. Moreover, all five members of BDL's Board of Directors are men.



38. This gender imbalance is also reflected in the makeup of BDL’s leadership team, as illustrated in the BDL organizational charts below. The first is from pre-May 2021, which shows that only three of the 15 (20%) members of the executive leadership team were women.



39. This gender imbalance did not significantly improve following the Company’s reorganization. As can be seen below, there are still only three women on the executive leadership team.



40. Inequality for women also exists at the broader leadership level. Indeed, while the overall breakdown of men versus women at TikTok is approximately equal, men are grossly disproportionately represented at the highest levels of leadership.

41. Ms. Puris was subjected to various other forms of discrimination and retaliation, including, but not limited to, the below examples.

- Mr. Lidong was displeased with the way Ms. Puris led a presentation to him because she celebrated her team's successes and achievements, which he felt was inappropriate because he believes that women should always remain humble and express modesty. Indeed, he did not treat any male members of senior leadership in the same manner. After this presentation, Ms. Puris was never permitted to present or speak to Mr. Lidong again. Obviously, this sort of behavior created a harassing and hostile work environment for Ms. Puris and other woman, as they were expected to walk on eggshells, lest they be punished through the revocation of work responsibilities, opportunities for visibility and advancement and other benefits.
- Mr. Lidong's discriminatory perspective on Ms. Puris' presentation led directly to additional discriminatory micromanagement and oversight. According to Mr. Chandlee, "[b]ut one of the things, like in the bi-monthlys where it's like, "Let's go through all the great work," right? A lot of people perceive that as Katie going, "Look at how great we are," right? . . . And so I think that leads to, okay that leads to some of the things that you're seeing. I think that's what led to some of the critiquing of the work and the oversight that you're starting to feel." Men were not treated in the same hostile manner and did not have their work critiqued or micromanaged because they highlighted their teams' successes.
- Being chastised by Ms. Chen (through Mr. Chandlee) for asking about her compensation, which, upon information and belief, was not something about which men were chastised. Rather, this criticism was in keeping with the discriminatory viewpoint that women should be meek and humble and not advocate for themselves. This was another example of the culture of hostility towards women and Ms. Puris because she is a woman.
- Being chastised for highlighting her team's successes during meetings with Mr. Chandlee, which, upon information and belief, was not something about which men were chastised. Rather, this criticism was in keeping with the discriminatory viewpoint that women should be meek and humble and not advocate for themselves. Again, this was another example of the culture of hostility towards women and Ms. Puris because she is a woman.

- Being given a discriminatorily low performance rating for 2020. Specifically, Mr. Chandlee told Ms. Puris that he had to beg Mr. Lidong to give Ms. Puris even an “M” performance rating for her full 2020 performance review, which was provided to her on May 5 2021. This negatively impacted Ms. Puris’ compensation and was another example of the many ways in which women and Ms. Puris were beaten down at the ByteDance.
- Being put on Mr. Lidong’s “kill list,” which came with being subjected to increasingly abusive tactics and discriminatory behaviors designed to drive Ms. Puris out of the Company.
- Being discriminatorily taken out of the role of Head of Global Business Marketing. Indeed, when, in June 2021, Ms. Puris was forced to change her job title and reporting line (from Mr. Chandlee to Mr. Tran), Mr. Chandlee essentially acknowledged that Ms. Puris required protection from Mr. Zhang’s discriminatory treatment. In his words, “I’m trying to figure out what is the best place for Katie Puris, uh, at this point, because there’s just an enormous spotlight on you from Beijing and, you know, I don’t know, I don’t think that goes away. You know what I mean? I think there’s a, you know, there, there, there’s, there, there’s, there’s just that hanging over it. And, uh, so it’s always gonna be this, there’s always gonna be kind of this undue pressure on you.” Again, this was *after* Mr. Chew was hired, and yet “the power” continued to “lay” with Mr. Lidong. This is an admission of the hostility that Ms. Puris faced.
- Being given a discriminatorily low performance rating for 2021, which negatively impacted Ms. Puris’ compensation.
- Having her headcount drastically slashed – after Ms. Puris delivered multiple data driven presentations that showcased how understaffed her team was versus their project load – without any legitimate business justification and at a much greater rate than other teams. Again, this created an environment in which Ms. Puris very ability to do her job was negatively impacted because of discriminatory hostility.
- Being required by Zuber Mohammed, the then-interim Head of Global Head of Marketing, to force rank employees and lower their performance scores in order to justify unwarranted terminations.
- Being sexually harassed at an industry event and having Defendants take no timely remedial action despite multiple complaints that were made in accordance with Company policy. Indeed, TikTok did nothing to ensure Ms. Puris’ safety during the rest of the industry event, even though her

harasser was expected to be present in TikTok's private event space after the sexual harassment incident. The company only belatedly took action after Ms. Puris returned from the conference and sent a written note voicing concerns of company inaction.

42. As explained in far greater detail below, as a result of discrimination and retaliation to which Ms. Puris was subjected, she developed significant physical, mental and emotional medical conditions.

43. At one point, Ms. Puris' doctor told her that if her work environment did not change, she was going to die because she had become so physically ill. This alone establishes the extent to which the discriminatory treatment to which Ms. Puris was subjected constituted harassment.

44. Ms. Puris repeatedly relayed these health concerns to anyone who would listen, including to her supervisors and multiple members of HR. Ultimately, her concerns were ignored, Ms. Puris was not supported and it was clear that taking any sort of leave or even seeking an accommodation would not be acceptable and would result in retaliation and decreased compensation.

45. It also became clear that Defendants did not have adequate leave policies and Defendants' HR professionals were not even familiar with the federal or state leave or disability discrimination laws, and violated them in a number of ways, including by failing to fully understand or convey to Ms. Puris her right to intermittent leave under the Family and Medical Leave Act ("FMLA").

46. As a result of Defendants' conduct, Ms. Puris' medical conditions were exacerbated and persist to this day.

47. Throughout 2022, Ms. Puris made various complaints concerning the unlawful conduct to which she was subjected. Ultimately, in September 2022, she was terminated for making these complaints, including a complaint made just days before her termination.

48. Finally, it should be noted that Douyin and Lidong have shamelessly attempted to avoid being held accountable for their actions and baselessly tried to evade the jurisdiction of this Court.

49. This action was filed against TTI and BDL on February 8, 2024.

50. In the weeks leading up to the filing of the Amended Complaint, Plaintiff advised counsel for TTI that BDI, Douyin and Mr. Lidong would be added as Defendants.

51. However, on April 26, 2024, counsel for TTI advised that he was “in the process of representing all of the defendants in this action[.] Therefore, please do not reach out to any corporate defendants, Lidong Zhang or any individuals employed by any corporate defendants without my express permission.”

52. Then on April 30, 2024, Defendants’ then-counsel, Ivan Smith, Esq., ***totally unsolicited***, wrote to Plaintiff’s counsel as follows: “We are willing to accept service for all defendants, if you agree that a response to your Amended Complaint is due 90 days from when you file the Amended Complaint.”

53. Ultimately, the Amended Complaint was filed on May 6, 2024. On the same day, Plaintiff’s counsel wrote to Mr. Smith: “Hope all is well. The filed amended complaint is attached. Per your email below, we will consent to an extension of the deadline to respond to the amended complaint to August 4, 2024, in exchange for your acceptance of service on behalf of all defendants. Please confirm.”

54. Mr. Smith then-counsel correctly noted that August 4, 2024 was a Sunday, and the parties agreed on an August 5, 2024 response date.

55. The next day, Mr. Smith's office sent a proposed stipulation regarding the response deadline. The proposed stipulation was signed by Mr. Smith as "Counsel for Defendants." The stipulation did not make reference to the acceptance of service, so Plaintiff's counsel sent the following email: "**Ivan, we don't need to put this in a stip, but just to formalize it, please confirm that you have accepted service of the amended complaint on behalf of all defendants, and that defendants are waiving any arguments as to insufficient or improper service?**" Mr. Smith responded: "**Yes.** As long as you are waiving any issue concerning defaulting by BDL" (emphasis added). Plaintiff's counsel responded: "Agreed."

56. In furtherance of the parties' agreement, on May 8, 2024, Mr. Smith filed a notice of appearance on behalf of all parties, including Douyin and Mr. Lidong. He then filed the aforementioned stipulation, which, by its very nature, constitutes an admission that Douyin and Mr. Lidong were served (otherwise there would be no need to set a response date).

57. Then, on May 13, 2024, Mr. Smith called Plaintiff's counsel and claimed that when he accepted service on behalf of Douyin and Mr. Lidong, he did not have the authority to do so. Critically, Mr. Smith *did not claim* that he did not represent Douyin and Mr. Lidong when he accepted service.

58. On May 15, 2024, the Court effectively held that Douyin and Mr. Lidong had been served.

59. Yet, months later, on July 31, 2024, Douyin and Mr. Lidong, now with new counsel, filed a motion contesting service in an obvious effort to avoid the jurisdiction of this Court and the United States of America.

NATURE OF CLAIMS

60. Plaintiff seeks declaratory, injunctive, and equitable relief, as well as monetary damages, to redress Defendants' unlawful employment practices in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* ("Title VII"); the Family and Medical Leave Act, 29 U.S.C. § 2601 *et seq.* ("FMLA"); the Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 *et seq.* ("ADEA"); the New York State Human Rights Law, N.Y. Exec. Law §§ 290 *et seq.* ("State Human Rights Law"); and the New York City Human Rights Law, N.Y.C. Admin. Code §§ 8-101 *et seq.* ("City Human Rights Law").

ADMINISTRATIVE PROCEDURES

61. On May 23, 2023, Ms. Puris filed a charge of discrimination and retaliation with the Equal Employment Opportunity Commission ("EEOC"), an administrative pre-requisite to filing an action under Title VII of the Civil Rights Act of 1964 ("Title VII").

62. On December 27, 2023, the EEOC issued Plaintiff a Notice of Right to Sue. The Complaint in this action was filed within 90 days of the issuance of Plaintiff's Notice of Right to Sue. To the extent necessary, the Second Amended Complaint relates back to the original Complaint pursuant to Fed. R. Civ. P. 15(c)(1)(C).

63. Pursuant to NYCHRL § 8-502, Plaintiff will serve a copy of this Second Amended Complaint upon the New York City Commission on Human Rights and the New York City Law Department, Office of the Corporation Counsel, within ten days of its filing, thereby satisfying the notice requirements of this action.

64. All other prerequisites to the filing of this lawsuit have been met.

JURISDICTION AND VENUE

65. Pursuant to 28 U.S.C. §§ 1331 and 1343, this Court has subject matter jurisdiction over this action because it involves federal questions regarding the deprivation of Plaintiff's rights under Title VII, the FMLA and ADEA. The Court has supplemental jurisdiction over Plaintiff's related claims arising under State and City laws pursuant to 28 U.S.C. § 1367(a).

66. Pursuant to 28 U.S.C. § 1391(b), venue is proper in this Court because a substantial part of the events or omissions giving rise to this action, including the unlawful employment practices alleged herein, occurred in this district.

PARTIES

I. KATIE PURIS

67. Plaintiff Katie Puris is a resident of the State and City of New York.

68. Ms. Puris was hired by ByteDance as Managing Director, Head of Business Marketing, for the TikTok product.

69. She was subsequently promoted to the position of Managing Director, Global Head of Business Marketing for the TikTok product.

70. Lastly, Ms. Puris held the position of Head of Global Brand and Creative Organization, for the TikTok product.

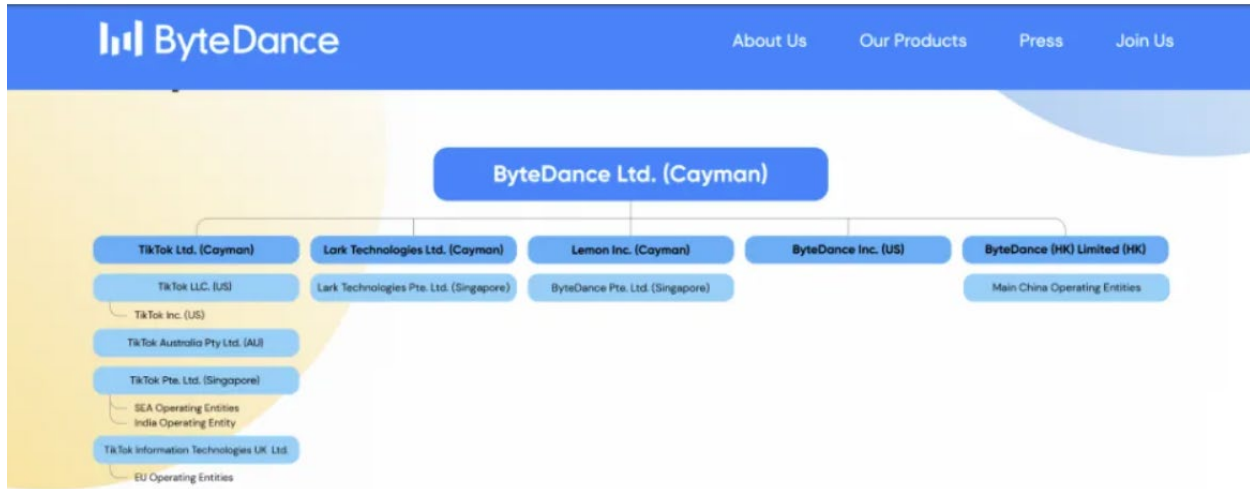
71. At all times, Ms. Puris was an "employee" of BDL, BDI, Douyin and TTI under all relevant statutes.

II. BYTEDANCE LTD.

72. Defendant ByteDance Ltd. is registered in the Cayman Islands and headquartered in China.

73. BDL is a holding company that employs ByteDance's top executives.

74. During Ms. Puris' employment with ByteDance, the Company's website contained the following outline of its corporate structure.



75. As can be seen, during Ms. Puris' employment, BDI and TTI were direct subsidiaries of BDL.

76. At all relevant times, BDL controlled BDI and TTI through the actions of, *inter alia*: (i) Mr. Rubo, BDL's co-founder and current CEO; (ii) Mr. Lidong, BDL's Chairman of the China region and the head of Douyin; and (iii) Mr. Yiming, BDL's co-founder and former CEO.

77. Indeed, though TTI's CEO, Mr. Chew, admitted during 2023 Congressional testimony that he was in regular communication with Mr. Rubo, he also submitted prepared remarks stating that he, Mr. Chew, was responsible for "all business operations and strategic decisions for TTI." While the former assertion is true, the latter statement is demonstrably false.

78. In reality, as evidenced in great detail herein, decisions regarding TTI's operations and strategy, from high-level decisions to very "in the weeds" personnel, branding and marketing decisions, among others, are made by the Chinese leadership of BDL, including Mr. Rubo, Mr. Lidong and Mr. Yiming.

79. In addition to making decisions for TTI and BDI that violate federal and state antidiscrimination laws, including, as stated above, Title VII, the FMLA and the ADEA, the State Human Rights Law and City Human Rights Law, these executives are instrumental in making critical decisions that are motivated by their desire to protect the interests of domestic Chinese businesses, to the detriment of the TikTok product and TTI.

80. By way of one example, contrary to media reports, TTI's former Global Head of Marketing, Nick Tran ("Mr. Tran"), was not terminated by TTI's purported U.S.-based "leadership" for "going rogue" with his marketing ideas.

81. Rather, Mr. Tran – who was at the time Ms. Puris' supervisor – was terminated because Mr. Rubo, Mr. Lidong and Mr. Yiming expressed their anger (in writing, as depicted herein) to Mr. Chew about certain very minor "in the weeds" marketing decisions executed by Mr. Tran, as well as their particular concern that these marketing decisions would impact BDL's business partnerships with Chinese companies Alibaba and Meituan. Mr. Chew proceeded (in writing) to parrot the concerns raised by BDL's leadership, and Mr. Tran was fired three days later.

82. These messages were sent in December 2021, many months after Mr. Chew supposedly assumed full control over TTI, in a massive, long-lasting group chat on "Lark" (another ByteDance product) that existed between Mr. Chew and BDL's senior executives, including, among others, Mr. Yiming, Mr. Lidong, Mr. Rubo and Pengyuan Zhao (then the Head of BDL's Strategic Investment Unit, which was responsible for mergers and acquisitions).

83. In addition to Mr. Tran, Ms. Puris' other direct and indirect supervisors either reported to Mr. Lidong, were themselves employees of BDL and/or another Chinese subsidiary of BDL, or both.

84. For example, one of Ms. Puris' direct supervisors, Mr. Chandlee, reported directly to Mr. Lidong. Mr. Chandlee's LinkedIn profile indicates that he is a dual employee of BDL and TTI: "President, Global Business Solutions at ByteDance / TikTok."

85. Another one of Ms. Puris' direct supervisors was Ms. Chen, a Beijing-based employee of BDL and Douyin.

86. As such, as described in great detail herein, a substantial part of the discrimination and retaliation to which Ms. Puris was subjected was carried out at the orders of BDL and its executives.

87. In addition to controlling personnel and business decisions, BDL controls all ByteDance employees, including employees of BDI and TTI, by requiring them to adhere to BDL's policies, practices and agreements. Indeed, the Code of Conduct promulgated by BDL, which is available on its website, is described as a "cornerstone" of the "ByteDance Group entities, its affiliates and subsidiaries."

88. The Code of Conduct expressly applies to all employees of BDL *and* its subsidiaries such as BDI and TTI. It also nicknames all employees of BDL *and* its subsidiaries, such as BDI and TTI, "ByteDancers."

89. The Code of Conduct provides for three methods of "speaking up" in connection with observed violations of the Code of Conduct. Two of the three methods lead directly to BDL. In fact, one of the listed methods has a hyperlink to the "Speak Up Hotline" that leads directly to a Chinese website written in Chinese. See https://sf16-sg.tiktokcdn.com/obj/eden-sg/ptvaeh7vbozps/Code_Of_Conduct.pdf (Code of Conduct), at p. 5 (hyperlink); <https://speak-up.bytedance.com/>.

90. The Code of Conduct provides that “[v]iolations [of the Code of Conduct], depending on the nature and severity, may result in disciplinary action, up to and including, termination of employment or termination of an engagement service contract, where necessary.”

91. The Code of Conduct has specific anti-discrimination and anti-retaliation policies that, as described herein, were violated by Defendants in relation to Ms. Puris.

92. It also is clear that even the ByteDance Employee Handbook for U.S. employees was promulgated by BDL. Indeed, the “Forward” explains that “the provisions of this Handbook are applicable to all full-time and part-time employees (collectively, ‘Employees’) of Bytedance Inc., musical.ly Inc., Flipagram Inc. *and any other U.S. affiliates of Bytedance Ltd*” (emphasis added).

93. In addition, BDL holds sway over the compensation and promotion of BDI and TTI’s employees by: (i) influencing and, at times, deciding BDI and TTI employees’ performance ratings; and (ii) requiring BDI and TTI to rate employees on how well they adhere to “ByteStyles” and “ByteDance Leadership Principles,” which, in turn, impacts the employees’ overall performance ratings.

94. Ms. Puris’ employment and employment-related obligations were further controlled by BDL *via* various agreements she was required to sign as a condition of employment, including agreements she was required to enter into with BDL.

95. By way of example, Ms. Puris was required to sign the CIAA, a 15-page agreement with confidentiality and non-disparagement obligations that bound her with respect not only to BDI, but also with respect to BDI’s affiliates, *e.g.*, BDL.

96. The CIAA is between, on the one hand, Ms. Puris, and, on the other hand, “Bytedance Inc. and its affiliates,” which renders BDL a party to the agreement.

97. Moreover, the CIAA even defines BDI and its affiliates, *e.g.*, BDL, collectively, as “Employer” and states that Ms. Puris’ “*employment with the Employer* is ‘at-will,’ meaning that it is not for any specified period of time and can be terminated by Employee *or by Employer* at any time” (emphasis added). Again, BDL is included within the definition of “Employer” and, as such, the CIAA expressly states that BDL could terminate Ms. Puris’ employment.

98. Among other offensive provisions, the CIAA permits the “Employer,” *e.g.*, BDL to “inspect any electronic device in Employee’s possession or under Employee’s control which is or was used by Employee in the course of Employee’s employment.” As such, according to the plain terms of the CIAA, Ms. Puris was required to agree that BDL (or any of BDI’s many Chinese affiliates) could require her to turn over her personal electronic devices for inspection.

99. The CIAA also prohibits Ms. Puris from making any disparaging comments about the “Employer or Employer’s affiliates, any of their respective businesses, products, services or activities, or any of their respective current or former officers, directors, managers, employees or agents.”

100. By way of another example, Ms. Puris was required to enter into a Hiring Bonus Repayment Agreement to which BDI *and its affiliates, e.g.*, BDL, were a party.

101. In addition, a substantial part of Ms. Puris’ compensation came in the form of a Restricted Share Unit (“RSU”) award that the BDL Board of Directors was required to approve. In connection with this RSU award, Ms. Puris was granted equity in BDL, subject to terms that were set by (and could be changed at any time by) the BDL Board of Directors. The RSU award agreement was entered into by Ms. Puris with BDL directly. This RSU award agreement set further restrictions on Ms. Puris related to confidentiality, non-solicitation and non-competition.

102. Moreover, in order to be eligible to receive the RSU grant described above, Ms. Puris was required to represent that she was a “director, executive officer or general partner of *Bytedance Ltd*” (emphasis added). This document was reviewed and approved by a Global Senior Talent Acquisition Partner at TTI, who confirmed its receipt.

103. Perhaps most notably, Ms. Puris had to agree to an entirely separate agreement, with a separate Chinese BDL affiliate, Beijing Douyin Information Service Co., Ltd. (“Douyin”) to access the Feishu Employee Stock Ownership Plan (“ESOP”) service website, which is where information concerning her equity grants was stored (the “Beijing Douyin Agreement”).

104. In 2021, the Chinese government took a “golden share” 1% stake in Douyin.

105. Pursuant to the Beijing Douyin Agreement, Ms. Puris had to agree to “comply with applicable [Chinese] laws and guidelines and abide by public order and good customs, the socialist system, [Chinese] national interests, legal rights of other citizens, and information authenticity requirements information when submitting any information required to use the Feishu ESOP services.”

106. Moreover, the Beijing Douyin Agreement provides that the “conclusion, effectiveness, performance, interpretation, and dispute resolution to/of the Agreement shall be governed by the laws of the People’s Republic of China,” and provides for the Chinese judicial system as a choice of forum for any disputes arising out of the Beijing Douyin Agreement.

107. During 2023 Congressional testimony, Mr. Chew admitted that he and the entire TTI management team is compensated by BDL directly in the form of stock grants. He also admitted that BDL and TTI share certain personnel, and that BDL’s General Counsel is also TTI’s General Counsel.

108. At all relevant times, BDL met the definition of an “employer” of Ms. Puris, as well as an “aider and abettor,” under all relevant statutes.

III. DOUYIN CO., LIMITED

109. Defendant Douyin Co., Limited is registered and headquartered in China.

110. The Douyin product is the Chinese analogue to the TikTok product.

111. Douyin employees controlled various aspects of Ms. Puris’ employment and also aided and abetted the discrimination and retaliation to which Ms. Puris was subjected.

112. These employees include Mr. Lidong, the Chairman of Douyin, as well as Ms. Chen, an Executive Director at Douyin who oversees two of its Chinese subsidiaries, Douyin Culture (Xiamen) Co. Ltd. and Yuncheng City Sunshine Culture Media Co. Ltd.

113. At all relevant times, Douyin met the definition of an “employer” of Ms. Puris, as well as an “aider and abettor,” under all relevant statutes.

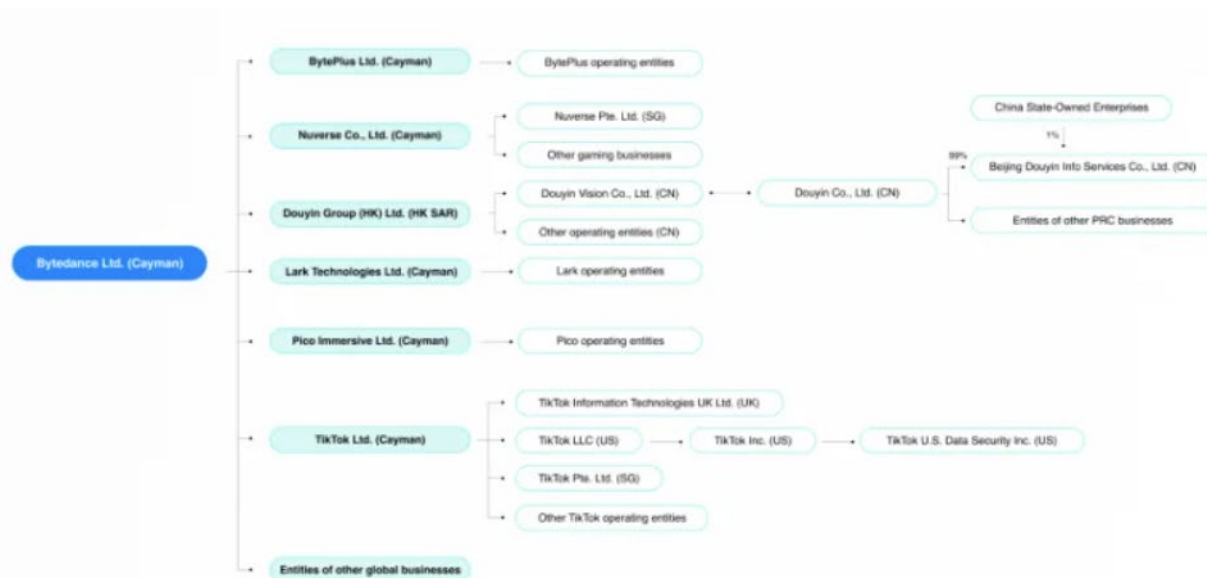
IV. BYTEDANCE INC.

114. Defendant Bytedance Inc. (“BDI”) is a Delaware corporation that purports to be headquartered in Mountain View, California.

115. According to New York Department of State records, the CEO of Bytedance Inc. is Tian Zhao (“Ms. Zhao”).

116. However, publicly available records and documents reveal that Ms. Zhao was never based in California, or even the United States, and, based on publicly available records and documents, she left ByteDance all together in July 2023.

117. Moreover, while BDI is still identified as an “active” corporation in New York Department of State records, BDL removed BDI from its corporate structure when it published a revised corporate structure in February 2023.



118. As such, it is unclear what, if any, role BDI currently plays in the operation of TikTok.

119. However, during the period of Ms. Puris' employment, BDI employed individuals that worked on various aspects of TikTok and other ByteDance products.

120. At all relevant times, BDI met the definition of an "employer" of Ms. Puris, as well as an "aider and abettor," under all relevant statutes.

V. LIDONG ZHANG

121. Defendant Lidong Zhang is the Chairman of BDL's China region. In that capacity he is Chairperson of the Douyin Group, which, among other things, operates the Douyin app, a social media application available in China that is analogous to TikTok.

122. Prior to joining BDL in 2013, Mr. Lidong worked for many years in traditional print media.

123. This experience included working for many years as a reporter for the *Beijing Times*, a Chinese newspaper that was owned the *People's Daily*, which is the official newspaper of the Central Committee of the Chinese Communist Party.

124. During his tenure with the *Beijing Times*, Mr. Lidong also served as the Vice President of the Beijing Times Committee.

125. For years, Mr. Lidong worked his way up the ranks at BDL and was ultimately named to the position of Chairman of BDL's China region.

126. In that role, Mr. Lidong, who works out of Beijing, reports directly to Mr. Rubo, a co-founder of BDL who now serves as its Chairman and CEO.

127. At all relevant times, Mr. Lidong met the definition of an "individual" and an "aider and abettor" under all relevant statutes.

VI. TIKTOK INC.

128. Defendant TikTok, Inc. ("TTI") is a California corporation headquartered in Culver City, California.

129. The New York Department of State records do not indicate that TTI is registered to do business in the State of New York.

130. TTI employees controlled various aspects of Ms. Puris' employment and also aided and abetted the discrimination and retaliation to which Ms. Puris was subjected.

131. These employees include Mr. Chew, the CEO of TTI, who: (i) reports directly to Mr. Rubo, the CEO of BDL; and (ii) takes direction from Mr. Lidong, BDL's Chairman of the China Region.

132. These employees also include: (i) Mr. Chandlee, President, Global Business Solutions at ByteDance / TikTok; (ii) Vanessa Pappas, the former Chief Operating Officer of TTI; (iii) Carl Rivers, Senior Human Resources Business Partner at TTI; (iv) Wendy Jimenez, the Head of Global Human Resources at TTI; (v) Zuber Mohammed, then the Global Head of

Product Marketing at TTI; and (vi) Kate Barney, TikTok’s Head of Human Resources, North America, Global Business Solutions.

133. At all relevant times, TTI met the definition of an “employer” of Ms. Puris, as well as an “aider and abettor,” under all relevant statutes.

FACTUAL ALLEGATIONS

I. MS. PURIS’ IMPRESSIVE PROFESSIONAL BACKGROUND

134. Ms. Puris began her professional career in advertising and marketing in 1995 when she worked at several top advertising agencies as an account manager/executive, including Gray Global Group³ and WB Doner & Company.⁴

135. In 1998, Ms. Puris joined BBDO, a global advertising agency,⁵ as an account executive. Within a year, she received the first of several promotions, eventually becoming the Senior Vice President and Senior Director.

136. In 2008, Ms. Puris began working for Google as the Head of Agency where she helped create marketing campaigns using Google platforms. In this role, Ms. Puris facilitated multi-million-dollar partnership agreements with U.S.-based companies to bring more advertising revenue to Google and its subsidiaries.

137. In 2011, Ms. Puris began working for Facebook in Global Agency Business Development. Ms. Puris was promoted several times at Facebook, ultimately becoming the Global Director, Facebook Creative Shop, reporting to Facebook’s Chief Creative Officer. In her role, Ms. Puris led a global team that trained and provided professional development for the entire

³ Grey Global Group is an award-winning global advertising and marketing agency that has been named Global Agency of the Year by AdWeek. See <https://www.grey.com>.

⁴ WB Doner & Company is an award-winning U.S.-based marketing and advertising agency that has been named a Standout Agency by AdAge. See <https://www.doner.com>.

⁵ BBDO is the second largest global agency network in the world and continually receives accolades and awards for its work. See, e.g., https://www.bbdo.com/cdn/bbdo_fact_sheet.pdf.

creative organization, executed annual planning of creative initiatives, led global team reporting and analysis of thousands of creative campaigns and organized meetings of creatives across the United States, Middle East, Asia and Latin America.

II. MS. PURIS JOINS BYTEDANCE AND HITS THE GROUND RUNNING

A. Ms. Puris Is Required to Interview with Various Employees of BDL and/or Douyin

138. In mid-2019, Ms. Puris learned that Mr. Chandlee had joined BDL and TTI. Specifically, according to his LinkedIn profile, Mr. Chandlee held the position of “President, Global Business Solutions at ByteDance / TikTok.”

139. Ms. Puris had previously worked with Mr. Chandlee at Facebook. In August 2019 Ms. Puris reached out to Mr. Chandlee to inquire about a LinkedIn job posting for a Head of Business Marketing role at TikTok. After some back and forth, Mr. Chandlee connected Ms. Puris with Rex Clifton, an internal recruiter.

140. Notably, despite the fact that the position at issue (U.S. Head of Business Marketing) was supposed to be U.S. based, Ms. Puris was required to interview and meet with various BDL and/or Douyin employees based in China.

141. Ms. Puris interviewed with seven ByteDance employees in total.

142. For example, Ms. Puris interviewed with Kate Barney, TikTok’s Head of Human Resources (“HR”), North America, Global Business Solutions, and was told she would have to meet with (in Ms. Barney’s words) Ms. Barney’s “bosses in China, Walter [Zhou] and Hong [Du]” (Mr. Zhou did not appear for the meeting, but Mr. Du did).

143. So, not only did Ms. Puris have to interview with HR leaders in China (who, upon information and belief, were employed by BDL or Douyin), but the HR function in North

America was clearly being supervised and reported into China. In fact, Ms. Barney made a point to tell Ms. Puris that she spoke fluent Mandarin.

144. In addition, Ms. Puris was required to meet with Ms. Chen, another Beijing-based employee of BDL and Douyin who held the position of Head of Global Marketing Solutions. In this position, Ms. Chen oversaw and supervised various marketing initiatives at BDL's subsidiaries, including BDI, TTI and other Chinese BDL subsidiaries.

B. Ms. Puris Joins the Company and Learns that She Will Report to Ms. Chen

145. Ultimately, Ms. Puris joined the Company in December 2019 as a Managing Director and the U.S. Head of Business Marketing to launch the North American Business Marketing organization for the TikTok brand.

146. In that role, Ms. Puris expected that she would be reporting only to Mr. Chandlee.

147. However, soon after joining the Company, Ms. Puris was informed that she would also be reporting to Ms. Chen.

148. Indeed, on the second day of her employment, Mr. Chandlee wrote to Ms. Puris that he was going to “connect you now with Jean [Zhao] and Corrina [*sic*] [Chen]” and further clarified that they were from the Beijing Marketing Center.”

149. Just days later, to Ms. Puris' surprise, Ms. Barney informed her for the first time that she would report to Ms. Chen in addition to Mr. Chandlee.

150. Both Mr. Chandlee and Ms. Chen reported directly to Mr. Lidong.

151. Mr. Lidong made the decision to have Ms. Puris report to Ms. Chen in addition to Mr. Chandlee.

C. Ms. Puris Makes Immediate and Substantial Contributions

152. As Managing Director and U.S. Head of Business Marketing, Ms. Puris developed and built the North American Business Marketing organization.

153. Ms. Puris quickly laid out the mission, vision, goals and deliverables to redefine the organization to include new teams, roles and opportunities.

154. At the outset, Ms. Barney told Ms. Puris that a headcount of approximately 40 was set aside for North American Business Marketing roles. This was an extraordinary number for a product that, at the time, was still very small in North America and did not have the revenue to support the headcount.

155. However, the budget for Ms. Puris' team was set by BDL, and these directives as to headcount were issued by BDL. Moreover, the monies used to fund the headcount also came from BDL or one of its Chinese subsidiaries.

156. At the ultimate direction of Chinese leadership, Ms. Puris hired the first 40 members of the North America Business Marketing organization, including art directors, writers, designers, brand strategists, event marketers and program managers.

157. Meanwhile, Ms. Puris was also immediately responsible for preparing for the upcoming 2020 Consumer Electronic Show ("CES"), a critical tradeshow that is considered among the most important annual events for the marketing industry. The 2020 CES was taking place in Las Vegas less than one month after Ms. Puris joined the Company, but the Company was completely unprepared for CES as it related to marketing and presenting the TikTok product.

158. Within weeks, Ms. Puris, with the assistance of event marketer Alix (Henick) Iger, developed the strategic plan and execution for the TikTok product's first engagement at

CES. She developed TikTok's foundational presentation to showcase the opportunity for marketers, which was leveraged in all executive sessions. She also envisioned and built a custom TikTok-branded suite at the Aria hotel to host meetings, client events and employee gatherings. A system was also created to project manage the complexity of a multi-day event and to ensure a seamless experience for TikTok employees and hosted marketers. Ultimately, over the course of several days, TikTok leaders, including Ms. Puris, introduced marketing executives to TikTok and gained agreement for further partnership in 2020.

159. Ms. Chen was supervising and reviewing Ms. Puris' work with respect to CES. Moreover, Ms. Chen and Ms. Zhao actually flew from China to Las Vegas to oversee Ms. Puris' execution of the CES plans (though they did not attend any client sessions).

160. In addition to Ms. Chen and Ms. Zhao, the then-CEO of the TikTok product, a BDL executive named Alex Zhu (based in China) sent his own direct report to CES to observe and report back to Chinese leadership.

161. CES was a resounding success and offered Ms. Puris and her team the opportunity to present to, connect and build inroads with many important global clients.

162. Ms. Puris' immediate success and impact on the business was made apparent in her March 2020 review. The review was excellent and the individuals who participated in the 360 section of the review had nothing but great things to say about her.

- Jean Zhao, then a Strategy and Operations Director for Global Business Marketing (based in China and employed by BDL or one of its Chinese subsidiaries): "Great job Katie - great to have you on-board!!!"
- Crystal Yin, then a Designer: "I could not have imagined the change Katie would bring to our team in the short amount of time she has joined as our leader. I trust in Katie's decision making and leadership skills to take our team to the next level in 2020, and feel blessed to be a part of the journey."

- Subin Kim, then a Creative Strategist: “Katie has done an outstanding job in the few months that she has been here, and continues to lead by example with her work and the culture that she fosters. Her positive attitude is infectious and she strives to make sure that each of her team members feels like they are truly making an impact on the organization. The influence that she has had in such a short time is undeniable, and I am looking forward to continue growing and learning under her leadership.”
- Jen Burkey, Creative Strategy Director, Retail: “Katie, I’m so happy you’ve joined the team. Your passion for the team and the work is energizing. You’ve made a huge impact already and I’m so grateful for your leadership as we continue to grow and evolve.”
- Alex Williams, a Creative Strategist: “Katie, we are so grateful to have you thank you for all the work you’ve done so far to push the platform forward.”

163. Her supervisors were equally complimentary, lauding Ms. Puris for doing “an outstanding job setting a strong vision for the marketing team and providing excellent strategic guidance and value to the business. She is delivering excellent execution and the business is better for her efforts . . . Katie has done a great job with training and developing a great team. She has also done an amazing job in creating a good atmosphere around comms and cooperation.”

D. Ms. Puris Is Asked to Take on Global Business Marketing

164. Shortly before receiving her March 2020 review, and less than two months into her tenure as the U.S. Head of Business Marketing, Mr. Chandlee and Ms. Chen asked Ms. Puris to lead the Global Business Marketing team for the TikTok product. Mr. Chandlee had previously shared that he was considering opportunities to increase her scope because she had proven her ability to deliver significant impact to the Company. At that time, Ms. Puris learned that the Global Business Marketing team was already being put together, in China, because ByteDance initially wanted the team to sit where the actual product (TikTok) was built (in Beijing).

165. While the Global Business Marketing team ultimately was not “based” in China, Ms. Puris inherited approximately 20 Beijing-based employees who were all employed by BDL or one of its Chinese subsidiaries.

166. Moreover, during discussions around the role, Mr. Chandlee and Ms. Chen made clear that Mr. Lidong wanted Ms. Puris to report directly into Beijing (in Ms. Puris’ case, to Ms. Chen) to maintain close ties with Beijing.

167. In addition, it was explained to Ms. Puris that Mr. Lidong was involved in various other aspects of micro-level decision making at TikTok, including personnel and public relations decisions.

168. Ms. Puris was hesitant to accept the Global Business Marketing role because, *inter alia*, she and her North America team had made such significant progress in the areas of culture, structure, deliverables and plans and she felt bonded to the team.

169. Ultimately, however, Ms. Puris accepted the Global Business Marketing role and led teams based primarily in Beijing, New York and Los Angeles.

170. In addition, for six months, she continued to hold and build out the U.S. Head of Business Marketing role until it was backfilled.

III. THE PANDEMIC HITS AND MS. PURIS’ PERFORMANCE CONTINUES TO WILDLY EXCEED EXPECTATIONS AS CHINA GREATLY INCREASES ITS SUPERVISION AND CONTROL OVER TIKTOK’S OPERATIONS

A. Ms. Puris’ 2020 Performance Is Outstanding

171. Throughout the first half of 2020, at the direction of Mr. Lidong (through Mr. Chandlee and Ms. Chen), Ms. Puris grew the Global Business Marketing team to more than 100 employees on opposite coasts and another continent, all while continuing to perform the North America Business Marketing role until June or July 2020, when it was finally backfilled.

172. In the meantime, Ms. Puris proactively identified the need to launch a global business brand for TikTok, which was not originally funded by the company.

173. Ms. Puris recognized that an ownable competitive position was critical for TikTok's success with marketers. Her goal was to inspire the creative industry to produce custom work for TikTok, maximize the return on investment to marketers and enhance the user experience through advertising.

174. This was a radical idea at the time, because most marketers preferred to scale existing advertising assets as a way to minimize costs.

175. Ms. Puris wrote the foundational narrative and vision for TikTok's business brand, which did not exist at that time. In partnership with Ms. Iger and the advertising agency TBWA\Chiat\Day, the business brand was launched, including the iconic tagline, "Don't Make Ads. Make TikToks."

176. The deliverables included an overhaul of the TikTok for Business website, a global marketing campaign, social channels, sales narratives, employee trainings, e-learning videos, design style guides, a global communications effort, engagements with Industry Relations groups, and announcements during the Newfronts and Cannes Lions. From project kick-off to launch, the work was completed in six weeks.

177. This foundational work paved the path to success for TikTok's revenue and importance for marketers to date.

178. In 2021, TikTok for Business would be recognized by The Drum⁶ as the B2B Brand of the Year.

⁶ The Drum is a media company that covers creative agencies. The Drum Awards is a global awards program which recognizes best practice, the best companies, and the best people from across the marketing and communications industry. See <https://www.thedrum.com/about-us>.

179. Ms. Puris was the most frequent public spokesperson for TikTok in 2020, serving as the authority and advocate for the TikTok product. In addition, as of mid-2020, Ms. Puris' quotes had been published over 2,000 times, reaching millions of people, including in TechCrunch, International Business Times, Social Media Week, The Industry Observer, Digital Information World, Deadline, Smart Company, AdExchanger, Mobile Marketing Magazine and many more widely read publications.

180. Ms. Puris' outstanding work in the first half of 2020 was reflected in her August 2020 mid-year review.

181. TikTok's performance rating system includes the following ratings from lowest to highest: F (not meeting expectations); I (improvement needed); M-, M and M+ (meets expectations); and E-, E and E+ (exceeds expectations).

182. M- and below are considered "low" ratings, M and M+ are considered "mid" ratings, and E- and above are considered "high" ratings.

183. In Ms. Puris' 2020 mid-year performance rating, she received ratings of E, E, M+ and E, which reflects her immediate success in her role. The performance feedback noted that Ms. Puris' "accomplishments were very valuable for the company" and that she worked "tirelessly cross-functionally to support different teams."

184. She also again received phenomenal 360 feedback.

- Ms. Barney: "Katie is 150% TikTok – GBS! She is passionate, dedicated, always available, and the cheerleader of our organization . . . she rallies the troops, and brings creative energy and ideas to building culture, and brand relationships. Katie is a passionate business leader and we are lucky to have her on the leadership team . . . her work around Make TikToks, TikTok for Business, was a laudable XFN team effort that she delivered in a super tight timeline – and was highly impactful for GBS globally in all of our TT markets!"

- Laura Perez, Global Director, Head of Product and Technology Communications: “TikTok for Business was a huge win for GBS and TikTok broadly.”
- Sherri Chambers, Global Head of Brand Strategy: “Katie gives of herself completely, full stop, the end. She goes all in, all the time. It is inspiring and raises the game for all of us . . . she rolls up her sleeves and leads by example . . . She is an incredible mentor and a beloved boss and I could not ask for a better leader . . . Wonder Woman is real and her name is Katie Puris.”
- Kinney Edwards, Global Head of Creative Labs: “Katie is an exceptional colleague and human. She has shown through her actions and openness, what it truly means to be selflessly committed to the empowerment, development and potential of those around her. Katie sets a standard that is both inspiring and motivating.”

185. Also in August 2020, Mr. Chandlee described Ms. Puris’ performance, to the members of her team, as follows: *“I don’t wanna tell you guys that Katie’s an amazing leader. I’ve known Katie for a long time now and, uh, there’s no one I could trust more, uh, with this group . . . One, I’ve never seen somebody who’s as productive as Katie does, um, you know, emails and the Larks I get at all hours with whole new strategic directions to the company is like, I’m like, okay . . . She’s amazing and she’s an amazing advocate for you guys.”*

B. China Exerts Control Over Day-to-Day Minutia

i. Age and Gender Discrimination Dictated from the Top

186. Ms. Puris’ 2020 performance was all the more impressive given the complex organizational structure in which she was required to work, including reporting into ByteDance’s China-based leadership, who exerted complete control over TikTok’s operations in the U.S.

187. When Ms. Puris took over Global Business Marketing, the initial plan was for her to travel to China every two months with members of the TikTok leadership team. These bi-monthly meetings prioritized reporting to BDL’s executive leaders on progress based on goals set

at the prior meeting, and to gain approval from BDL's executive leaders on plans for the upcoming bi-month.

188. However, that plan was thwarted by the COVID-19 pandemic, which began in China before descending on the United States in early 2020. So, the bi-monthly sessions became virtual, and members of leadership teams spent the better portion of a week in sessions that covered all aspects of ByteDance's business and product lines, including TikTok.

189. Through these meetings, as well as in many other ways, it became clear that BDL's leadership, and Mr. Lidong in particular, were in complete control over all aspects of the TikTok product and business strategy and operations, including Ms. Puris' team.

190. Indeed, the very structure of Ms. Puris' team had to be approved by Mr. Lidong. As such, in February 2020, Ms. Puris prepared a plan for the reorganization of the Global Business Marketing team that was presented to Mr. Lidong for approval.

191. Also in or around February 2020, Ms. Puris was required to prepare a headcount proposal that would be reviewed first by Mr. Chandlee, then by Ms. Chen, and finally by Mr. Lidong for final approval.

192. Ultimately, Mr. Lidong overrode the team's recommendations and wanted to be even more aggressive when it came to headcount than what Ms. Puris proposed.

193. Accordingly, headcount allocations continued to be directed and paid for by BDL and/or its Chinese subsidiaries, and the pressure put by Mr. Lidong (through Mr. Chandlee) on Ms. Puris to fill the roles was immense.

194. In fact, the directive from China was to fill the roles in the United States as fast as possible, and as a result dozens of candidates got offers for roles even if they were the very first

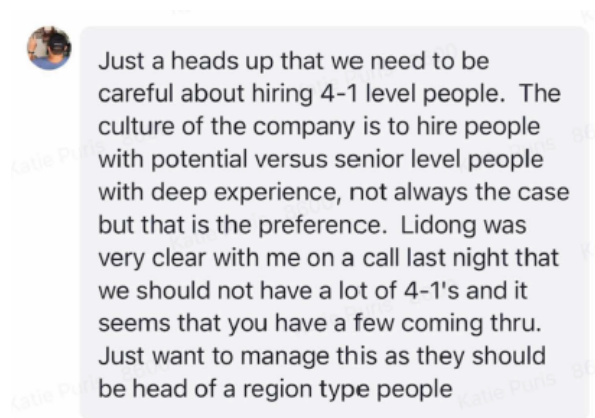
person interviewed for the job with no comparison with other candidates who might be better suited for the role.

195. In addition to demanding that the roles be filled expeditiously, Mr. Lidong got deep “into the weeds” and directed Ms. Chandlee, and, by extension, Ms. Puris, to hire specific types of people.

196. Among other things, Mr. Lidong had a demonstrated bias against older job applicants and directed that younger job applicants be favored.

197. This directive was often couched in terms of “level” or “seniority” to avoid putting unlawful age discrimination directives explicitly in writing, but the meanings were obvious.

198. One March 2020 message from Mr. Chandlee is below. As can be seen, he is couching Mr. Lidong’s discriminatory directives in terms of “title,” “potential,” “senior” and “experience.” His reference to the “culture” of “the company” is a reference to BDL, not merely to TikTok. Finally, there is no question that Mr. Lidong is assuming ultimate control over hiring for Ms. Puris’ team.



199. This was neither the first nor the last time that BDL’s leadership expressed a preference for younger employees. For example, during her employment, Ms. Puris participated in large ByteDance leadership meetings led by Yiming Zhang, the co-founder of ByteDance. During a meeting in the second half of 2021, Yiming Zhang spoke at length about how he would

rather hire someone inexperienced and young than someone experienced. He stated that older people are less willing to change, less innovative and slower. He expressed a desire for a younger approach and a preference for hiring young people. He stated that it is better to hire people who do not have experience in a role but can instead grow into it.

200. At the time, Ms. Puris was 48 years old. The retirement age for professional women in China is 55. It also bears noting that age discrimination is not unlawful in China.

201. Mr. Yiming's and Mr. Lidong's discriminatory attitude towards older employees, particularly women, also "trickled down" to other leaders in the organization across the globe. For example, Sam Singh, who was the Head of Global Business Solutions for the Asia-Pacific region before being moved into the same position in North America, described his hiring philosophy as follows.



202. Of course, there is nothing wrong with being collaborative, but this pitch in its entirety is clearly designed to attract younger employees and men without family obligations. This culture contributed to the hostility that Ms. Puris faced and felt because she was a woman.

203. Another leader, Shant Oknayan, then the General Manager for Business in East Europe, Middle East & Africa, followed up with his own thinly veiled preference for younger employees.



ii. Extensive Reporting into China and Decisions Made by BDL

204. Throughout 2020, TikTok's U.S.-based executives continued to report into Mr. Lidong and other Chinese-based ByteDance Executives. Presentations concerning the financials surrounding the TikTok product (and other purportedly "non-China business") were prepared, translated into Chinese and delivered to Mr. Lidong and members of ByteDance's executive leadership team based in China.

205. One May 2020 presentation entitled “Lidong’s OKR [Objectives and Key Results] (non-China business)” is written in both English and Chinese and includes revenue targets as well as strategic planning goals such as to, “*Speed up the building of sales organizations in non-China markets*” (emphasis added).



206. Presentations such as the above were the norm. In fact, they were prepared for days-long meetings that were held bi-monthly with BDL’s leadership over Zoom (in place of the planned in-person meetings that were thwarted by the pandemic).

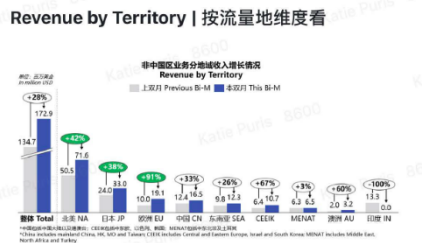
207. During these bi-monthly meetings, ByteDance leadership required TTI and other subsidiaries to present detailed reports around achievements and plans for the following two months.

208. In turn, Ms. Puris’ team was required to provide updates that were incorporated into Mr. Chandlee’s presentations to BDL’s leadership. Ms. Chen would review and approve Ms. Puris’ content before it was incorporated into the materials that would be presented to BDL’s leadership. Eventually, Ms. Puris delivered her organization’s report in independent Business Marketing meetings.

209. As can be seen below, these bi-monthly meetings were centered entirely around China, including down to the time zone that appeared on the agendas.

	China time	Jun 29th (Mon)	Jun 30th (Tue)	Jul 1st (Wed)	Jul 2nd (Thu)
Morning	10:00 - 10:30		Japan	China Outbound (KA+Agency)	Australia
	10:30 - 11:00				
	11:00 - 11:10	Break			
	11:10 - 12:10				
Evening	20:00 - 21:00	Commercial Product	NA	India	SEA
	21:00 - 21:10		Break		
	21:10 - 22:10		EU	CEEIK	MENAT
	22:10 - 22:20		Break		
	22:20 - 22:50		GBM	SOaP	
	22:50 - 23:20				MI

210. During the July/August 2020 bi-monthly reporting to China’s leadership, the importance of non-China revenue to ByteDance, including from the monetization of TikTok, was highlighted.

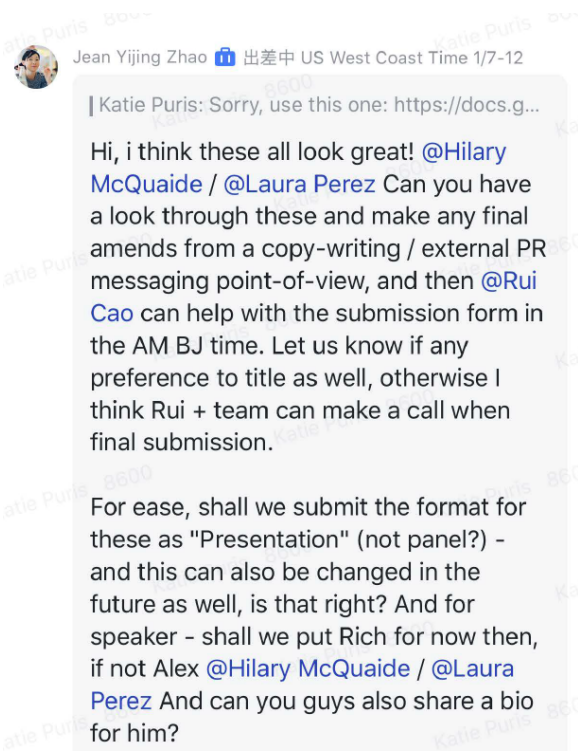


- **The growing importance of North America (NAmer), Japan and Europe:** It can be seen from the revenue structure that the revenue sources became further concentrated towards the three markets with the highest traffic. In this bi-month, 71% of the revenue was generated by NAmer(41%), Japan(19%) and Europe(11%), with the concentration rate up by 9 percentage points. Europe overtook China for the first time as one of the 3 top contributors.

- **Steady improvement of TikTok's monetization capabilities in key markets:** Global key markets have all witnessed a bimonth-on-bimonth increase of at least 20% in ARPU. In terms of ARPU level, top-performing markets include Japan(\$0.030, ~80% that of Twitter, 40% that of FB 40%), South Korea(\$0.022, vs \$0.03-0.05 for competitors), US(\$0.022, ~50% that of Snapchat, 25% of Youtube and 10% of Facebook)

211. China’s oversight over Ms. Puris’ work can also be seen in connection with the Cannes Lions 2020 industry event.

212. All of the work done by Ms. Puris’ team for that event was reviewed and approved by Ms. Zhao (who purportedly reported to Ms. Puris), on behalf of Ms. Chen.



213. Below is another example of Mr. Lidong directing the target revenues for non-China business. This is from November 2020.



214. Just a few days later, on November 19, 2020, Mr. Chandlee told his leadership team (including Ms. Puris) that they should put more focus and effort into connecting with Beijing:

“How do we connect better into China? I’d probably say, Maybe 10% of people’s time is put against getting to know Beijing, right? And getting to know, and they require commitment from the teams in Beijing, but they’ve, you know, they’re, they’re more than willing to, to do this. Just help people get a feel for what it’s like a day in a ByteDancer in Beijing, you know, within a different group and try to figure out, feel like how do we get some of that energy communicated into our teams? Because I feel like our teams have fall into a trap, right? The one thing we have, you know, China is actually a superpower for us. Like, and, and it might sound strange just given some of the, you know, the geopolitical situation, but like the way that ByteDance operates the way that, you know, headquarters, the pace at which it operates, the, you know, the bimonthly planning cycles, the energy of the teams there, the hours that are worked, like all of that is actually when you get there, if everybody’s been there, is a really powerful feeling, right?”

215. As yet another example of Mr. Lidong’s control over U.S. operations, in November 2020, Ms. Barney sent Ms. Puris the following message about her new boss, Arnold Guo (“Mr. Guo”).



216. Although Mr. Guo was ostensibly an employee of TikTok and working physically from Washington, Ms. Barney made clear that his function was to provide HR support for Mr. Lidong in the area of Global Business Solutions.

217. In addition to the foregoing, in 2020 Ms. Puris learned that Mr. Lidong played a determinative role in her compensation.

218. First, when deciding whether to accept the Global Business Marketing position, Ms. Puris asked Mr. Chandlee and Ms. Chen whether her compensation or level would be adjusted up to account for the increased responsibilities associated with the Global Business Marketing role.

219. After that call, Ms. Chen reached out to Mr. Chandlee separately and chastised Ms. Puris for asking about compensation.

220. Mr. Chandlee explained that Ms. Puris should never discuss money with the Chinese leadership because that was frowned upon. This was an example of what was a consistent pattern of Ms. Puris being subjected to withering criticism because she is a woman who did not abide by ByteDance's stereotypical view that women should not advocate for themselves.

221. Later, on July 10, 2020, Mr. Chandlee acknowledged that Ms. Puris was underpaid, but explained that it would be difficult to increase it because even if he, Ms. Chen and TikTok's then-CEO, Kevin Meyer supported a compensation increase, they would still need to persuade Mr. Lidong, which, in Mr. Chandlee's words, was "where the real power lies."

222. He also said that if TikTok spun out of BDL they could "run it like a western company" and would not be " beholden to the Beijing comp teams."

223. However, Mr. Chandlee also cautioned that ByteDance was unlikely to agree to a spin out: "The issue is Bytedance. And you know, there's a sense of pride around TikTok and being the first Chinese company to have a, you know, western success story."

IV. MS. PURIS FALLS OUT OF FAVOR WITH MR. LIDONG AND BEGINS TO SUFFER DISCRIMINATION

224. In August 2020, then-President Donald Trump threatened to shut down TikTok in the United States if BDL did not sell the American arm of TikTok to an American company.

225. This led to a hiring slowdown, which, in turn, led to various members of Ms. Puris' team experiencing severe burnout. During various meetings in August 2020, Mr. Chandlee made clear that the hiring directives were coming directly from Mr. Yiming and Mr. Lidong.

226. Ms. Puris, however, remained optimistic that her proposal for an increased budget and headcount in 2021 would be approved given the obvious need and TikTok's exponential growth.

227. Ms. Puris' optimism was furthered by the incredible amount of work she and her team did in a 2021 plan, which included headcount and budget proposals.

228. This work included, among other things, conducting interviews of approximately 25 cross-functional partners, including regional marketing teams, to gather feedback on what worked and did not work in 2020 as well as on her specific asks for 2021.

229. These meetings were also designed to gather an understanding of how Ms. Puris' team could best deliver for these cross-functional partners in 2021.

230. Based on the feedback from the cross-functional partners, Ms. Puris' team worked within internal groups to develop and present proposals to Ms. Puris. These proposals were discussed with Ms. Puris and the group as a whole, and ultimately finalized into a presentation.

231. The presentation, which broke down key deliverables for the sub-teams in Ms. Puris' organization, was presented to many other groups, including the strategy team that was to lead the effort around budget and headcount planning.

232. This was a strategic process that was very operationally vigorous.

233. In late December 2020, Ms. Puris' plans, including for the over 170 headcount that was needed to deliver to the cross-functional partners, were approved.

234. However, shortly thereafter Ms. Puris learned that Mr. Lidong had decided to revisit and reverse course with respect to Ms. Puris' proposals, and the entire process had to be restarted.

235. First, BDL's leadership, and specifically Ms. Chen, suddenly began micromanaging Ms. Puris' team, which undermined Ms. Puris' contributions and directives.

236. As a result of micromanagement, Ms. Puris' team endured months of exhausting tactical tasks that required Ms. Puris and her team to work around the clock for months on end.

237. For example, ByteDance leadership questioned and re-analyzed each component of previously approved marketing plans and encouraged marketing partners to recommend Ms. Puris' and her team's projects for cancellation.

238. This questioning was a far cry from routine. Indeed, Ms. Chen and Ms. Zhao (who ostensibly reported to Ms. Puris, but was being given total control over this work) were plainly determined to prove that the team was failing and gather data to substantiate their accusations.

239. As such, they required Ms. Puris and her team to re-meet and interview with cross-functional partners and regional marketing teams in an attempt to gather negative feedback on Ms. Puris. After these meetings, Ms. Zhao would send surveys to the participants to encourage negative feedback. When no negative feedback resulted, she would resend the surveys and send survey completion data to shame the recipients and prod responses.

240. Still, the feedback was positive, as Ms. Puris knew it would be given the amount of work that had been done up front and the exceptional leadership of her executive team: Carly Zipp, Sherri Chambers, Alix Henick Iger and Kinney Edwards.

241. One of the “issues” that arose during this time was the strategy around how Ms. Puris’ team would engage with the regional business marketing groups. In the context of this issue, it is clear that the driving force behind Mr. Chen and Ms. Zhao’s absurd behavior was Mr. Lidong, as can be seen in the March 2021 message from Ms. Chen, below.

Both Lidong and Blake has stressed many times - HQs work need to add value tangibly to regional business growth, product growth, etc. I know a lot of marketing work is hard to measure by business metrics - but I hope in the future, we can also look at metrics such as adoption rates etc. to give us an indication of this. Hence lots of alignment, communication, with RBM & product teams is very important. (It's worth noting what I mean here is effective communication - communication that lands in tangible results / helps drive towards the impact we want to deliver).

242. As a result of Mr. Lidong’s crusade – which was, as explained below, at least partially driven by gender animus – Ms. Puris and her team spent hundreds of hours modifying plans for 2021, including significant reorganizations to deliverables and teams, the elimination of various roles and multiple redesigns of the entire Global Business Marketing organization. Moreover, due to a lack of direction and insight from Mr. Lidong and Ms. Chen into exactly what they were looking for, the team had to redo its plan at least six times.

243. These changes were made to accommodate significant cuts to the initially approved 179-person headcount (down to 105).

244. While it was initially shared that regional business marketing organizations would also be impacted, these adjustments included minimal adjustments to regional staffing plans.

245. Meanwhile, also during this time period, Mr. Lidong's animosity toward Ms. Puris resulted in a discriminatorily middling performance rating and a contrived witch hunt.

246. Specifically, in January 2021, Ms. Puris' new Human Resources Business Partner, Carl Rivers ("Mr. Rivers") shared that he received feedback about Ms. Puris from her team members. In actuality, Mr. Rivers was actively soliciting negative feedback on Ms. Puris.

247. Indeed, the following week, several team members told Ms. Puris that Mr. Rivers pressured them to make negative comments about her.

248. Mr. Chandlee later told Ms. Puris that Mr. Rivers reached out to approximately 50 team members (more than half of her team at that time) to solicit feedback, which is an absolutely preposterous number of people to speak with and would include numerous individuals with whom Ms. Puris rarely worked.

249. Carly Zipp ("Ms. Zipp"), former Head of B2B Marketing, informed Ms. Puris that Mr. Rivers repeatedly pressured her to say negative things about Ms. Puris and that it made her very uncomfortable. Ms. Zipp reported Mr. Rivers' conduct to Mr. Chandlee, but no corrective action was taken.

250. This witch hunt was plainly motivated by animus against Ms. Puris due to her sex. Indeed, the very way in which the feedback was communicated was very gendered. In delivering the feedback, Ms. Puris was essentially accused of being demanding, defensive and a perfectionist to a fault, which are not only completely contrary to the feedback she received from her team, but also terms and notions that would never be used to negatively describe a man in the workplace.

251. During a February 4, 2021 conversation with Mr. Chandlee, Ms. Puris was told that she had a tendency to go from "being this ball of energy like the sun" to "like a dark star . . .

the energy just gets sucked out of the room.” In the same meeting, Mr. Chandlee told Ms. Puris that she was looking for people to treat her “warm and fuzzy.” Again, these are never phrases or critique that would be presented to a male executive and they, along with the other evidence, establish that all of the harassing treatment described herein was motivated at least in part by sex.

252. Mr. Chandlee was so single-minded as to his focus that during one March 10, 2021 meeting, when Ms. Puris, vulnerable, reached out to him for advice on dealing with Ms. Chen and addressing the aforementioned feedback from her team, he flipped the conversation around on Ms. Puris. While lobbing totally sexist critiques of her management style, Mr. Chandlee again described Ms. Puris in gendered terms such as an “emotional superstar” and “passionate.” He went on to say that for all of Ms. Puris’ faults, she was an “amazing wife [and] mother,” which was completely irrelevant to her business acumen. It is inconceivable that Mr. Chandlee, in critiquing a male employee, would have made sure to point out that he was an amazing husband or father. Again, all of this shows that the way in which Ms. Puris was unlawfully treated was at all times impacted by her sex.

253. As all of this was going on, in February 2021, Ms. Puris was invited to attend and participate in one of Mr. Lidong’s bi-monthly meetings. She was provided with a five-to-ten-minute timeslot to share updates from her Business Marketing team.

254. It became clear immediately that Mr. Lidong was displeased with the way Ms. Puris led her presentation because she celebrated her team’s successes and achievements, which he felt was inappropriate because he believes that women should always remain humble and express modesty. Indeed, he did not treat any male members of senior leadership in the same manner.

255. Each presentation included a detailed document as well, which was controlled by someone other than the presenter.

256. During her presentation, Ms. Puris requested permission to control her document, which, based on his visceral reaction, Mr. Lidong found offensive because he believed women did not have the right to even ask for such things.

257. Again, this was emblematic of Mr. Lidong's stereotypical view of women; namely, that even women in leadership roles should remain quiet and humble at all times.

258. Feedback was regularly given at the Company and was a meaningful tool for Ms. Puris and others to address any concerns. Ms. Puris, sensing that the presentation was not well received, reached out to Ms. Chen, Ms. Zhao and Mr. Lidong's Project Management Office and asked for feedback. All of these efforts were refused.

259. Instead, Ms. Puris was never permitted to present or speak to Mr. Lidong again.

260. Ms. Puris never heard Mr. Lidong criticize male leaders for not being humble enough. Yet, Ms. Puris later learned he criticized her for her purported lack of humility.

261. In addition, although many male employees on the leadership team were invited to one-on-one meetings with Mr. Lidong, he refused to engage in any one-on-one meetings with Ms. Puris. Ms. Puris even asked Mr. Chandlee and Ms. Chen to arrange a meeting with Mr. Lidong so that she could apologize, although she did nothing more than have the audacity, as a woman, to fairly present her work and the work of her team. But, this request was also refused.

262. All of the discrimination described herein were not isolated events that were problematic only on their own individual terms. Rather, the repeated and consistent acts of discrimination created a hostile work environment based on Ms. Puris' sex, as she never knew when the next gender-based act of mistreatment would be coming. Moreover, requirements that

Ms. Puris not advocate for herself, and prohibitions on presenting or speaking to, or meeting one on one with, Mr. Lidong, created daily barriers to the performance of her job that were independently and collectively hostile.

263. Ultimately, it became clear that the aforementioned discriminatory witch hunt against Ms. Puris was being directed by Mr. Lidong. Indeed, just a few weeks after this presentation, Mr. Chandlee made clear that Mr. Lidong did not appreciate that Ms. Puris highlighted her team's great work in the bi-monthly meeting: "But one of the things, like in the bi-monthlys where it's like, 'Let's go through all the great work,' right? A lot of people perceive that as Katie going, 'Look at how great we are,' right? . . . And so I think that leads to, okay that leads to some of the things that you're seeing. I think that's what led to some of the critiquing of the work and the oversight that you're starting to feel." He also made clear that Ms. Puris was being micromanaged because it was part of the "Chinese way of dealing with something." The treatment that Ms. Puris experienced was intended to be punitive in an effort to make her submit to their control.

264. Mr. Lidong did not discriminate against or micromanage younger men in the same way he did Ms. Puris.

265. Moreover, as is well known among employees and reported in The Financial Times,⁷ TikTok's China-based leadership created "kill lists" of employees that they wanted to force out. By the second quarter of 2021, it became very evident that Ms. Puris was on Mr. Lidong's "kill list." Part of Mr. Lidong's "kill list" approach was to build a case against any employee he placed on the list and instruct other employees to do the same. In that sense, the

⁷ See <https://www.ft.com/content/f9f5f344-84df-404a-96bd-0047a94bdf34>.

“kill list” might more aptly be referred to as a “process list,” because once someone is on the list he or she is slowly processed out of ByteDance.

266. This was reflected in Ms. Puris’ 2020 performance review. Indeed, Mr. Chandlee told Ms. Puris that he had to beg Mr. Lidong to give Ms. Puris an “M” performance rating for her full 2020 performance review, which was provided to her in March or April 2021. At this time, Mr. Chandlee also shared that he was trying to separate Ms. Puris from Mr. Lidong’s oversight to protect her from discriminatory animus.

267. While an “M” is a solid rating, Ms. Puris’ performance in 2020 merited the highest possible rating given that her team’s work literally changed the landscape with respect to business marketing on social media and drove tremendous revenue.

268. Even though Mr. Lidong artificially depressed Ms. Puris’ rating to an “M,” Ms. Puris’ 360 feedback, which Mr. Lidong could not influence, demonstrates that her performance was at all times outstanding.

- “Katie’s one of the most inclusive and generous leaders I’ve ever worked with and is deliberate in ensuring all voices and markets are heard. She drives brand recognition for us globally by fronting many media interview and industry speaking engagements and readily shares for talking points of us, which we steal with pride for our regional markets.”
- “When I think about the magnitude of what Katie’s brought to GBM in the past year, I can’t help but be impressed for accomplishments and starting GBM in North America and then launching GBM HQ , well deserved senior leadership roles at ByteDance. In addition to dissemination of information from the global team, has inspired the regional teams and brought more creativity to us.”
- “Katie is a thought leader for work and representing the company on various panels and in publications. She’s been a wonderful spokesperson for the company representing the opportunity that is TikTok, as well as providing thoughtful analysis of the ad tech industry, at large.”

- “When I first met Katie, she was newly appointed as ahead of GBM HQ. I’ve been quite impressed with what amazing leader she is ever since. She always stays positive, thoughtful, tenacious. She’s created tons of marketing global guidelines for the organization, which include onboarding plan template for GBM and R&Rs for discipline, all of which are really helpful for regional teams.”
- “I would consider Katie one of the three leaders on the Diversity Task Force that are leading the way on the engagement front. Katie’s not the type of leader that just talks the talk, she’ll draft you a roadmap to further illustrate her thinking. She also came up with our vision statement for TikTok, the most diverse and inclusive company in tech.”

V. MS. PURIS IS SUBJECTED TO ADDITIONAL SEX AND AGE BASED DISCRIMINATION

269. In mid-2021, TikTok made changes to its leadership personnel in an effort to convince the U.S. government and public that it was not being controlled by executives of China-based BDL.

270. As a result in May 2021, Mr. Chew, based in Singapore, was appointed TTI’s CEO. He previously served as BDL’s Chief Financial Officer. Upon information and belief, Mr. Chew was 38 at the time.

271. In addition, Mr. Yiming announced his intention to step down as the CEO of BDL.

272. While Mr. Chew was hired to lead “TikTok,” media reports accurately detailed that Mr. Chew’s decision-making power is more limited than his title suggests and that, instead, most strategic decisions are ultimately still led by ByteDance.⁸

273. Indeed, as *The New York Times* reported, Salvatore Babones, the director of the China and Free Societies program at the Center for Independent Studies, said, “If [Shou Zi Chew]

⁸ See <https://www.nytimes.com/2022/09/16/technology/tiktok-ceo-shou-zi-chew.html>.

didn't want to do something ByteDance wants him to do, he could be fired and someone else could be put in his place.”⁹

274. Indeed, despite his CEO title, Mr. Chew was not even permitted to take over Global Business Solutions led by Mr. Chandlee – the organization to which Ms. Puris' team belonged. Global Business Solutions controlled all of the advertising dollars generated by TikTok, and ultimately what, where and when ads ran.

275. As a result, Mr. Chandlee, who was responsible for the way advertising dollars were spent with respect to the TikTok product, continued to report directly to Mr. Lidong. In turn, Ms. Puris' reporting line ran around Mr. Chew and up to Mr. Lidong.

276. Indeed, as described by Mr. Chandlee at the time, “we still report into Beijing, right. And so we're always gonna have more of a Chinese, like a, more of a Chinese, um, feel to how the business is run.”

277. Moreover, Mr. Chew did not run TTI even on paper, as he reported directly to executives at BDL.

278. On or about the same time, Vanessa Pappas (“Ms. Pappas”) was appointed TTI's Chief Operations Officer based out of Los Angeles. Upon information and belief, Ms. Pappas is in her mid-40s.

279. The new leadership became known for promoting the existing “996” culture at ByteDance, which is a term referring to the requirement that employees work from 9 a.m. to 9 p.m. for six days a week, or 72 hours per week.

280. The 996 culture disproportionately favored younger male employees, who were less likely to have childcare and other family obligations outside of work. For example, Ms.

⁹ Id.

Puris' Beijing-based reports were initially required to be in the office every other Sunday based on ByteDance policy. In response, several team members in Beijing rented apartments near the office and began only seeing their families every other weekend.

281. The 996 culture was more often hostile to female employees, including Ms. Puris, who were expected to eschew outside obligations, lest they be punished for failing to meet unrealistic work expectations.

282. Ms. Puris' health began to suffer under the stress and pressure placed on her after she became part of Mr. Lidong's "kill list," which was due at least in part because of her gender. By 2021, the hostility in the work environment led to the deterioration of her health to the great concern of her medical team. She met with her doctor 26 times over seven months, which led to numerous surgical procedures and other treatment.

283. As early as March 2021, Ms. Puris shared how physically unwell she had become because of the extreme work conditions, pressure and stress with Mr. Chandlee, Ms. Chen and Human Resources, including that her doctor was concerned that she would die if she did not make significant changes. Ms. Puris also stated directly that she did not feel like she could take time off. Indeed, on one occasion after Ms. Puris took a few days off for doctor's visits, she met with Ms. Chen, who delivered a crushing deadline for an unexpected assignment, and justified the timing because Ms. Puris was "on vacation."

284. While Ms. Barney assured Ms. Puris that she could take time off, no effort was made to determine whether Ms. Puris needed any sort of accommodation and Ms. Barney's reaction overall was remarkably blithe; *e.g.*, merely responding "that's not good" upon learning of some of Ms. Puris' health conditions. When Ms. Puris was finally connected to the head of

HR Operations, it was clear that she was unfamiliar with the law and did not even know if the Company had relevant written policies.

285. Then, in May 2021, Mr. Chandlee and Ms. Barney began expressing that they wanted to move Ms. Puris out of her role into a different part of the organization. While this was initially presented as a nascent thought, it snowballed into approximately 20 calls between Ms. Puris and Mr. Chandlee and/or Ms. Barney and/or Mr. Tran.

286. At first, it was entirely unclear why Ms. Puris was being asked to move into a different part of the organization. The primary reason proffered was that the Company wanted a Head of Business Marketing with more operational experience. This was preposterous on its face and proven to be false when Ms. Barney later conceded that they were looking to replace Ms. Puris with someone exactly like... Ms. Puris. In fact, Ms. Puris was ultimately asked to write the job description for the role out of which she was being forced.

287. In May 2021, during one of the aforementioned 20 conversations, Mr. Chandlee told Ms. Puris that there was “a bit of a ding in [Beijing’s] confidence” in Ms. Puris because, *inter alia*, she was supposedly “a little bit emotional” in her leadership style. Again, this is a sexist trope that would not have been used to justify the loss of confidence in a male executive and further increased the hostility Mr. Puris felt on a daily basis knowing that Beijing’s confidence in her abilities was supposedly waning because she is a woman.

288. During the same May 2021 conversation, Mr. Chandlee told Ms. Puris that there was an “enormous spotlight” on her from Beijing that he did not think would go away, that there would continue to be “undue pressure” on Ms. Puris as an individual and a leader, that he could not tell Mr. Lidong that he was a big believer in her and that it had been hard to watch the

oversight and control that Beijing (meaning, effectively, Mr. Lidong) had been asserting over Ms. Puris.

I'm, and so I'm trying, I'm trying to figure out what is the best place for Katie Puris, uh, at this point, because there's just an enormous spotlight on you from Beijing and, you know, I don't know, I don't think that goes away. You know what I mean? I think there's a, you know, there, there, there's, there, there's, there's just that hanging over it. And, uh, so it's always gonna be this, there's always gonna be kind of this undue pressure on you as an individual and as a leader.

...

You know, yeah. So, I mean, there's only so much I can do to, there's only, you know, I, I can't turn around and say to Lidong, Hey, you know what, I'm a, I'm a big believer in Katie . . .

...

I've watched the relationship, um, between you and Beijing and not necessarily your team, but like, you know how the, there's, you know, kind of this, this, there's just been a, it's been, it's been hard to watch. Cause I know that they're doing it to control. Right. Um, and I think the last thing you want is some kind of oversight and control.

289. Less than two weeks later, Mr. Chandlee again lobbed totally discriminatory insults at Ms. Puris. Specifically, he chastised her point of view on the whole situation as being “rather emotional. Okay. And I, I can't deal with emotional Katie. Like the, the POV was very emotional.” Again, this is further proof that the adverse ways in which Ms. Puris was being treated were motivated by discriminatory stereotypes.

290. Mr. Chandlee also reiterated that the “lack of trust” in Ms. Puris was “a Beijing thing that's coming from Lidong.”

291. During this same call, Ms. Puris finally learned that Ms. Chen had been moved out of the Business Marketing organization. As such, if Ms. Puris was to remain in her position,

she would have had to report to Mr. Lidong directly (or someone in China assigned by Mr. Lidong). Only after this was disclosed to Ms. Puris did it become clear: (i) that part of the reason she had to move was because Mr. Lidong did not want her to report to him (at least in part because she was allegedly too “emotional”); and (ii) why Mr. Chandlee was so insistent that Ms. Puris move; *i.e.*, to be protected from Mr. Lidong’s discriminatory treatment. Moreover, given the foregoing conversations with Mr. Chandlee, it was apparent that he personally wanted her out of his organization for the same discriminatory reasons.

292. Any hope Ms. Puris had for being able to take time off to deal with her physical and emotional stress-related ailments was only further diminished after this frank conversation with Mr. Chandlee.

293. The result of these conversations was that, in or around June 2021, Ms. Puris began reporting to Mr. Tran, TTI’s Global Head of Marketing, who had joined the Company in or around April 2020.

294. In pitching Ms. Puris on the role, Mr. Chandlee told her that “they don’t have quite the, they don’t have the real restrictions on, because Nick reports into Vanessa, they’ve got a little bit more of a western view on how to run a marketing group, you know what I mean?” He also said that “Nick doesn’t have to comply” with how the “Chinese” run the business. As it would turn out, however, this was not true.

295. Indeed, Mr. Lidong and BDL executives continued to maintain complete control over Ms. Puris’ employment.

296. And, while Mr. Tran reported to Ms. Pappas on paper, Mr. Lidong and BDL executives also maintained complete control over his employment and work product.

297. In her new role, Ms. Puris was the Head of the Global Brand and Creative Organization at TikTok, the internal marketing services enterprise. The team she supervised was the result of a reorganization and lacked structure, vision and a mission.

298. Within two weeks, Ms. Puris presented a comprehensive narrative of the team during a leadership call with Tran.

299. Ms. Puris continued to lead the team, crafting all global and regional brand campaigns, including sports and entertainment partnerships, global cultural moments, consumer marketing innovations and TikTok-owned and sponsored events.

300. The campaigns Ms. Puris worked on were consistently acknowledged for excellence throughout the industry. For example, the 2021 “You Have to See It” campaign was named by AdWeek¹⁰ as one of “13 Campaigns That Made Ad Pros Jealous in 2021” in addition to winning numerous industry awards.

301. On October 27, 2021, Ms. Puris had her first mid-cycle review with Mr. Tran.

302. Ms. Puris received strong performance feedback from Mr. Tran, who shared that Ms. Puris was trending to an overall M+ review for the 2021 year.

303. During the mid-cycle review meeting, Mr. Tran effectively confirmed that the reason that Mr. Chandlee encouraged Ms. Puris to change roles was because he could not be supportive of her without Mr. Lidong. Specifically, in acknowledging that Mr. Chandlee was Ms. Puris’ supervisor for four of the six months at issue, Mr. Tran explained:

I factored in like Blake[’s input], and even though he didn’t input feedback directly, and I don’t know the nuisances, but there was something with like, if he put it in it goes up to Lidong, and then Lidong is like, not the best objective person in this case, so Blake basically talked me through what he would have done. I incorporated it in my stuff, but we didn’t actually put it in the system

¹⁰ AdWeek is a trade publication that bills itself as the “leading source of news and insight serving the brand marketing ecosystem.” See <https://www.adweek.com/about/>.

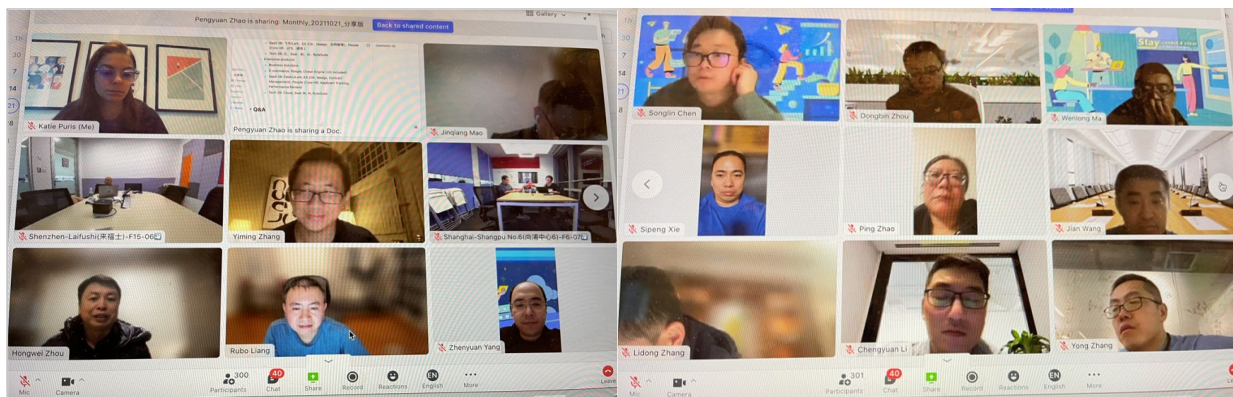
because we didn't want it to go up to Lidong. So, I don't know if you understand those nuances. He tried to explain it to me and I was just like, its okay, I don't need to know the details. I'll handle it. It's all good.

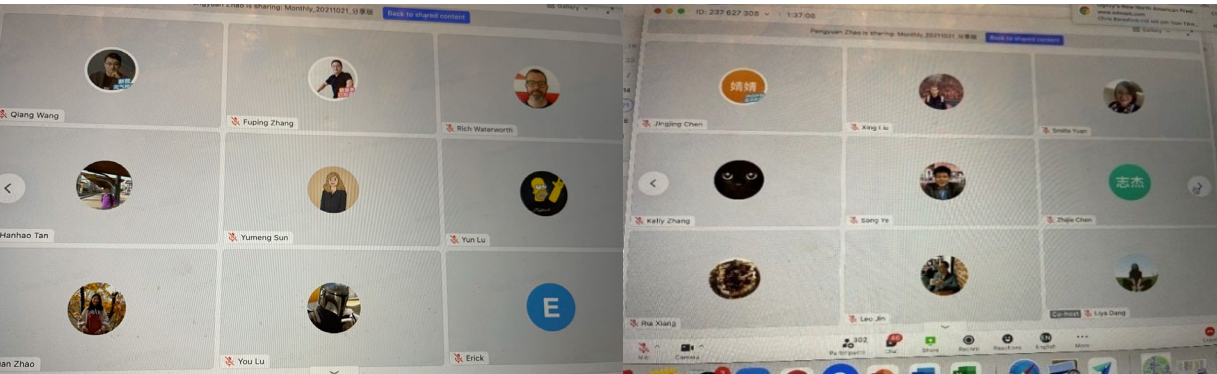
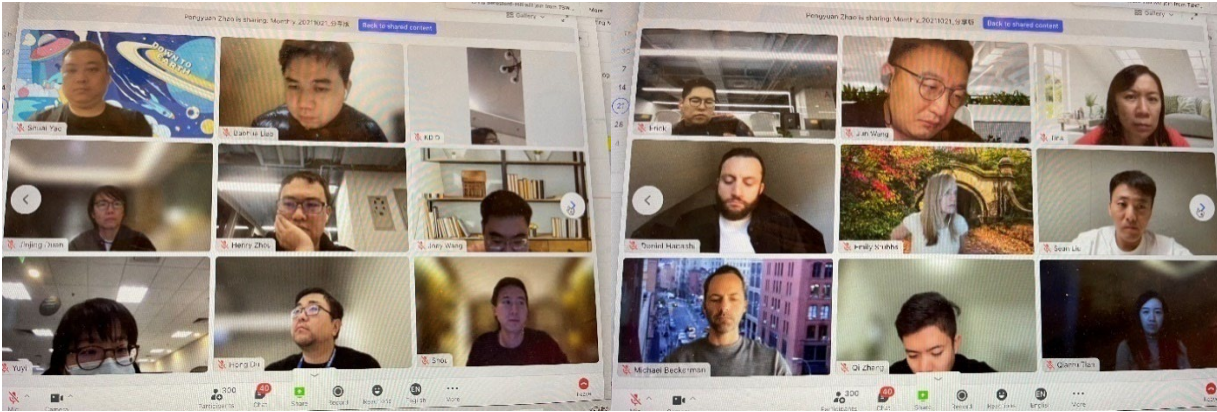
304. Again, this was many months after BDL made false assurances to the world that TikTok was not being controlled out of China.

305. Notably, Ms. Puris received this positive performance feedback from Tran at a time when her team was dealing with 20 percent attrition and working under immense pressure and impossible deadlines.

VI. OCTOBER 2021 BYTEDANCE LEADERSHIP MEETING ESTABLISHES THAT CHINA IS STILL IN CHARGE

306. On October 21, 2021, ByteDance held a global leaders meeting. In attendance were all of the major players on BDL's senior leadership team, including Mr. Rubo, as well as individuals like Mr. Lidong, Ms. Zhang and Mr. Yiming, who purportedly had no ongoing oversight over TikTok. All told, nearly 300 individuals participated. Ms. Puris captured screenshots of the participants in an effort to try and understand their roles in relationship to her's, as this information had never been shared.

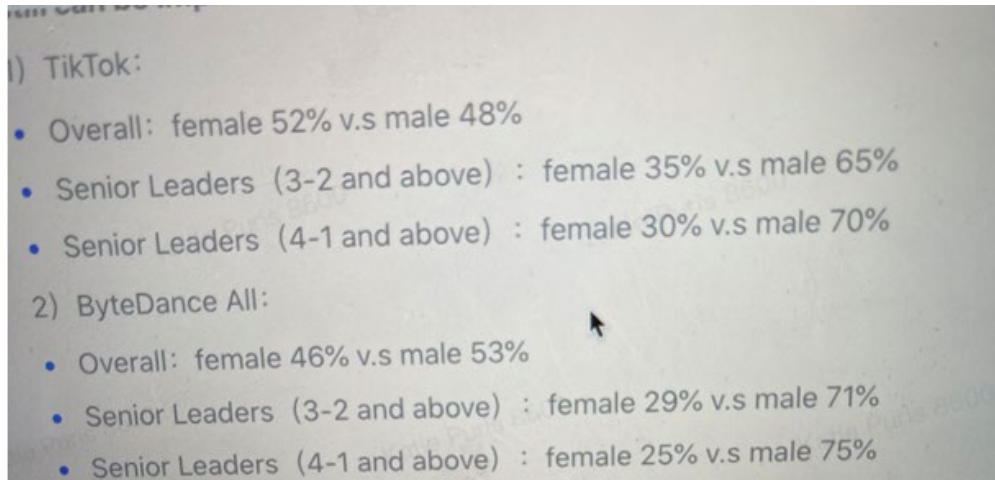




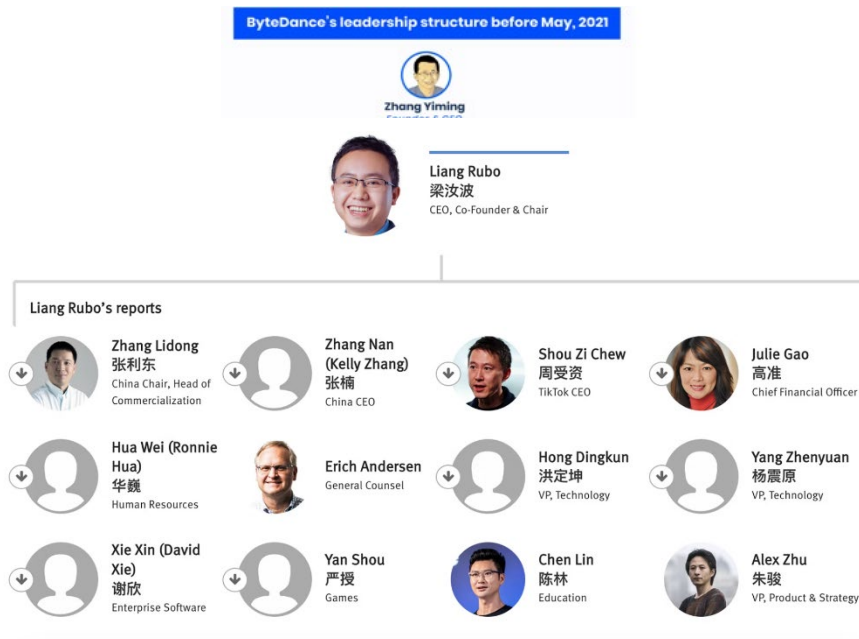
307. A large focus of the presentations during this meeting was TikTok’s U.S.-based revenues and profits, as well as staffing levels and the performance review process.

308. Another significant topic of discussion was Diversity and Inclusion (“D&I”) within TikTok. Incredibly, the concept of D&I was so foreign to the Chinese leadership that the *only* metric looked at for D&I was gender. Not one other protected category is referenced in the D&I presentation that was distributed to attendees.

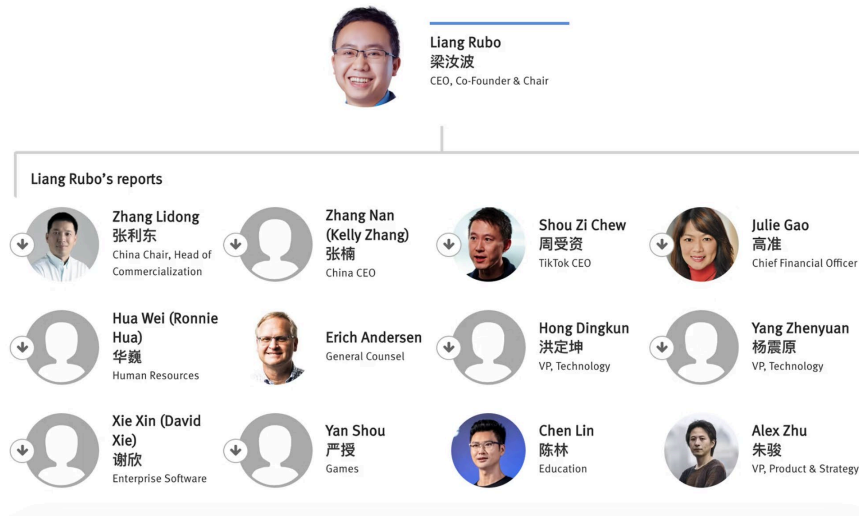
309. As for gender, as is evidenced from the presentation slide below, while the overall breakdown of men versus women at TikTok is approximately equal, men are grossly disproportionately represented at the highest levels of leadership.



310. This gender imbalance can also be seen in the BDL organizational charts below. The first is from pre-May 2021, which shows that only three of the 15 (20%) members of the executive leadership team were women.



311. This gender imbalance did not significantly improve following the Company's reorganization. As can be seen below, there are still only three women on the executive leadership team.



312. The diversity decks above also showed that over 30% of TikTok’s full time employees are based in either mainland China or Malaysia, an inordinate amount for a company that purports to have little connection to China.

VII. MR. TRAN IS FIRED BY BDL LEADERSHIP

313. As noted above, by early 2021 BDL was telling the world that its China-based leadership was stepping back from TikTok, and that Mr. Chew had been hired as TikTok’s CEO, purportedly with authority commensurate with the title.

314. Mr. Yiming had even claimed to be stepping down as BDL’s CEO to be replaced by co-founder Mr. Rubo, who physically located himself in Singapore in an effort to trick the world into thinking that TikTok was distancing itself from China.

315. In reality, as evidenced above, BDL leadership still controlled TikTok and Mr. Chew – who, in the words of Ms. Barney, was a “ByteDance lifer” himself – was and remains nothing more than a conduit for the Chinese-based leadership.

316. By way of example only, when Mr. Chew assumed the CEO position, he had discussions with Mr. Tran about Mr. Tran’s idea of trying to monetize TikTok-created NFTs. At

the time, Mr. Chew was incredibly supportive of the idea and told Mr. Tran to run with it. In fact, he said that the NFT strategy “is the stuff that we should be focused on, like in the world of crypto and the NFTs. This is where we could be disruptive and this is where it could be like a platform shift . . . any of these initiatives come straight to me and then we can like, figure out a way to get through them and funded.”

317. However, when he did, the NFT strategy, which was working, caught the attention of Mr. Yiming and other executives in China. The executives in China did not like the NFT strategy, and forced Mr. Tran to abandon it. They also forced Mr. Tran to apologize for pursuing it. As explained during an October 2021 meeting:

The hard part is there seems to be this big tension between China and non-China mm-hmm. So whereas I saw immediate support from all the non-China leadership teams mm-hmm. The China leadership teams were basically just like, like, who do you think you are going off and doing these things and like, make sure to apologize to us and express that you won't do this again. It's just like what? Like what is this? Like what's going on? So I I'm definitely seeing this huge tension between like China leadership and then non-China leadership. So we're gonna have to navigate through that a little bit.

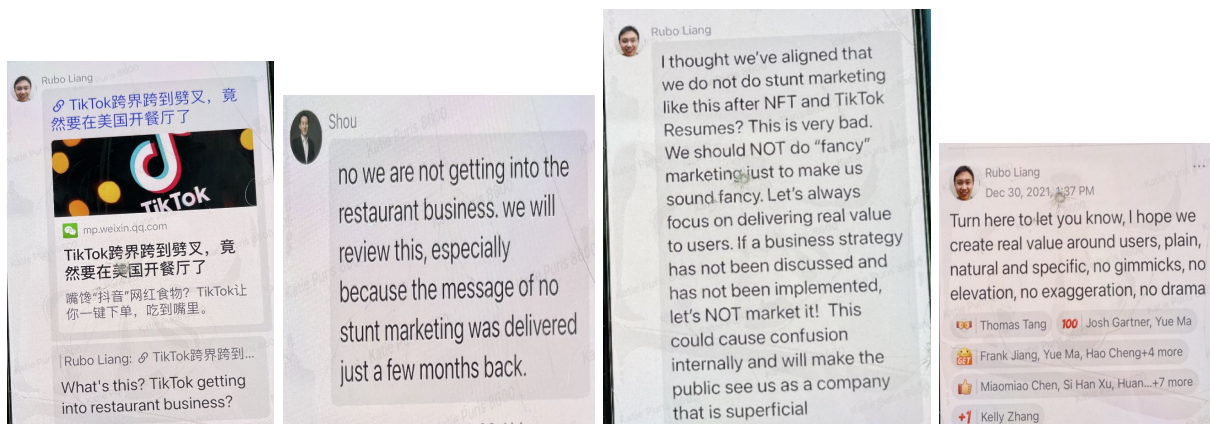
. . .

And like it's a Chinese company, so I just have to like, like I literally just had to under like, nod and like say like, understood, won't, won't, won't do that again. And all that fun stuff. So it was a humbling meeting,

318. During the same meeting in the way of one example, Mr. Tran explained that Mr. Chew was getting a lot of noise from China about one aspect of the budget that only accounted for 1%-3%. Apparently, Mr. Yiming was putting a great deal of pressure on Mr. Chew and Global Business Solutions to be “low key” because he (Mr. Yiming) thought that “we're like flying too high.” As a result, Mr. Tran explained, “we had to change all of our CES plans.”

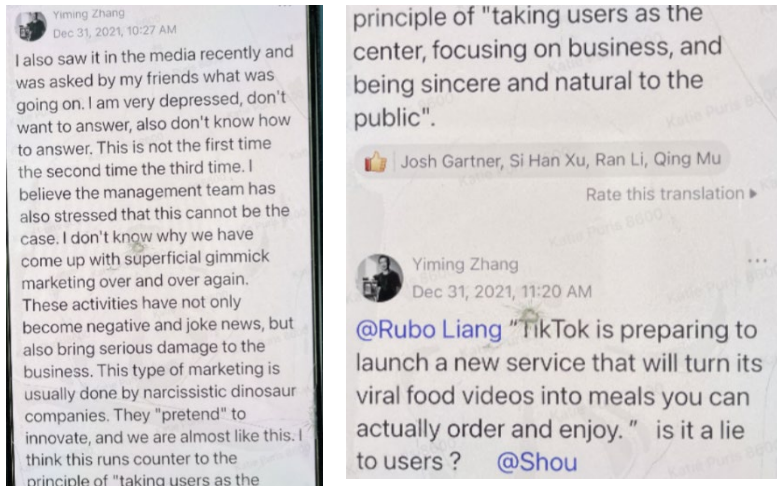
319. Not long thereafter, in December 2021, *after* Mr. Yiming purportedly stepped away from ByteDance, BDL's China-leadership team took issue with another entirely insignificant marketing tactic employed by Mr. Tran related to the restaurant business. They began discussing this immaterial marketing tactic in a group chat of hundreds of ByteDance leaders (virtually all men, as explained below), including Ms. Puris.

320. In the conversation, Mr. Rubo started by linking the relevant marketing tactic and sarcastically asking whether TikTok is getting into the restaurant business. Mr. Chew immediately confirms that TikTok is not getting into the restaurant business and promises to review the tactic. However, this response was insufficient for Mr. Rubo, who continued to criticize the tactic, demanded that China's leadership be looped in on all decisions and provided specific advice as to how marketing should be done.

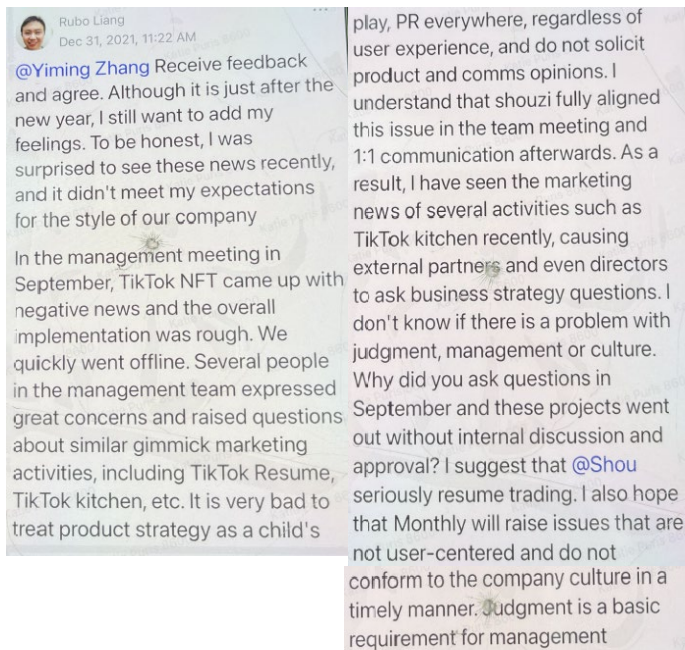


321. As can be seen in the last of the messages above, Ms. Zhang, then the CEO of Douyin, the Chinese analogue to TikTok, is in the chat and supporting Mr. Rubo.

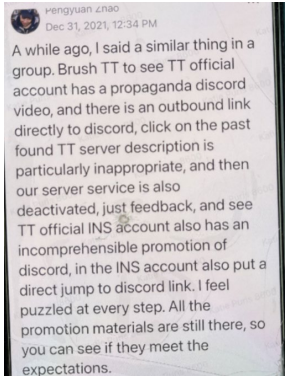
322. Then, Mr. Yiming – who at this point was not supposed to have any leadership role at TikTok – jumps in and chastises the marketing and Mr. Chew.



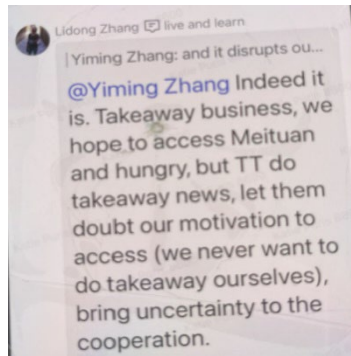
323. Immediately thereafter, Mr. Rubo echoed and deferred to Mr. Yiming’s sentiments, “suggest[ed]” a course of action for Mr. Chew and again reiterated that: (i) BDL approval is required for day to day marketing decisions; and (ii) TikTok employees must “conform” to BDL’s culture.



324. Pengyuan Zhao (then the Head of BDL’s Strategic Investment Unit, which was responsible for mergers and acquisitions) then makes his critical opinion known.



325. During all of this, it becomes clear that a significant concern from the BDL leadership team was that Mr. Tran’s marketing campaigns might do damage to BDL’s relationships with other Chinese-based companies, Meituan and Alibaba.

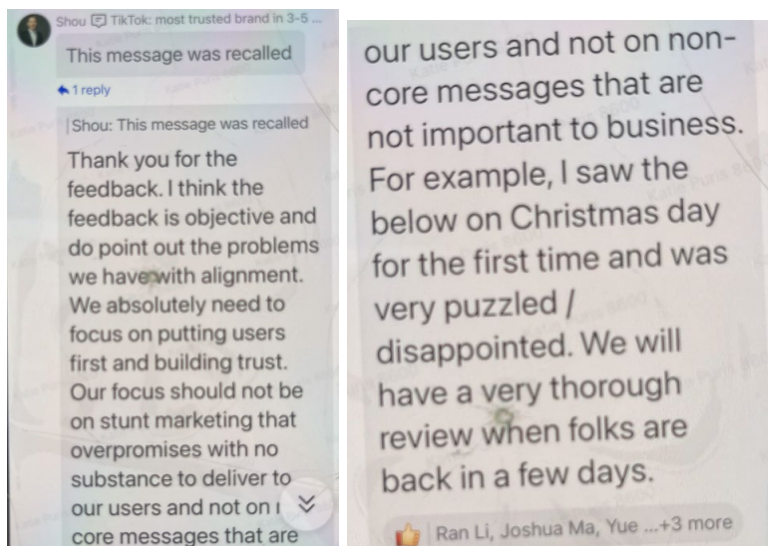


326. Apparently not happy with the minimal response they received from Mr. Chew, Mr. Yiming, Mr. Lidong, Mr. Zhao and Mr. Rubo proceeded to “repost” their prior criticisms. In the middle of that, Ran Li, who, upon information and belief, is a senior level manager at Douyin, chimed in by suggesting that ByteDance “never forget what [it] want[s] to be;” *i.e.*, assure adherence to its culture, and that if the “rules” need to be changed to accomplish that, they should just be changed. Moreover, given that the entire conversation was about TikTok, it is clear that Li’s use of the phrase “[W]e are Bytedance no matter what” was intended to convey that TikTok and ByteDance are one and the same.



327. While these posts were being put up, dozens of individuals in the group chat were responding with emojis to support the BDL senior executives, putting further pressure on Mr. Chew.

328. Finally, in what can only be described as complete capitulation to the BDL executives, Mr. Chew deleted his initial post and posted a lengthy apology and promise to do a “very thorough review” in “a few days.”



329. “A few days” later – three to be exact – Mr. Tran was fired.

330. Then, shortly after his firing, the *New York Post* published an article in which it was reported that Mr. Tran was terminated for “going rogue” in connection with marketing campaigns around NFTs and restaurants. This reporting, likely planted at the direction of BDL’s Chinese leadership, was false. Mr. Chew and Ms. Pappas were at all times looped in with

respect to Mr. Tran's work, and the real reason he was fired is, as described above, that he fell out of favor with BDL's senior leaders.

VIII. MS. PURIS CONTINUES TO EXPERIENCE DISCRIMINATION AND RETALIATION

A. Ms. Puris' Employment Remains Controlled by China

331. Shortly after Mr. Tran's termination, Mr. Chew held one-on-ones with Mr. Tran's previous direct reports, including Ms. Puris.

332. During her interview with Mr. Chew, he was disheveled and shared that he had just woken up. When Ms. Puris shared that she gets ready for work every morning even though she worked from home, Mr. Chew asked her what her nationality was.

333. Ms. Puris thought the question was odd, given that Mr. Chew was aware that she was a U.S.-based employee with an American accent.

334. Despite being uncomfortable with Mr. Chew's question, she replied that her family was Italian. Mr. Chew responded, in sum and substance, that this "made sense." Evidently, Mr. Chew believed that Ms. Puris' decision to spend time getting dressed each day was based on her nationality, which only further displays the Company's discriminatory belief system that employees can be categorized by factors like gender and nationality.

335. As a result of Mr. Tran's firing, Ms. Puris began reporting to Ms. Pappas, who became the new interim Global Head of Marketing while also continuing to hold the COO title. Ms. Pappas reported to Mr. Chew and the two of them remained controlled by BDL executives.

336. To be proactive, Ms. Puris immediately reached out to Ms. Pappas to facilitate a working relationship.

337. Mr. Chew ultimately instructed Ms. Pappas and those she supervised to redo everything planned under Mr. Tran's guidance, but the directives were confusing and unclear.

338. At the same time, under pressure from Chinese leadership, Mr. Chew implemented a five-year plan to make TikTok “the most trusted entertainment brand in the world.” Given the concerns about the Chinese government’s influence on TikTok and the United States, it was an unrealistic goal set solely to satisfy BDL’s senior leaders.

339. In February 2022, Ms. Puris met with Ms. Pappas who informed her that she was making changes to TikTok’s overall marketing strategy. This global change would then be translated into regional marketing plans that Ms. Puris could execute with brand and creative campaigns.

340. Ms. Puris developed a plan of action, presented it to Ms. Pappas, received her approval, and set out to execute that plan.

341. However, execution was made impossible by the total chaos that resulted from Mr. Tran’s termination. Driving this chaos was the fact that Ms. Pappas was unable to make any decisions without Mr. Chew’s input. And, given the foregoing, it was clear that Mr. Chew had to receive approvals from BDL’s senior leadership before making just about any decision of even minimal consequence. This often-caused extreme delays and unused media inventory. Moreover, it resulted in mixed and changed messaging that engendered confusion and frustration amongst the members of Ms. Puris’ team.

342. Thus, while Mr. Chandlee claimed to have done everything he could to move Ms. Puris to a team without such extreme oversight from Mr. Lidong and other Chinese executives, Mr. Chandlee’s efforts were in vain. Indeed, it was obvious to Ms. Puris that all of the treatment to which she was subjected by Mr. Chew and Ms. Pappas was all carefully directed by BDL’s senior leadership, including Mr. Lidong.

B. Ms. Puris Is Retaliated Against for Engaging in Protected Activity

343. During February and March 2022, Ms. Puris continued to express concerns to Wendy Jimenez (“Ms. Jimenez”), the Head of Global Human Resources, about the extreme workload and the negative impact it was having on her team’s mental health and well-being.

344. In particular, she wrote to Ms. Jimenez that “[i]n terms of departures, most individuals have cited extreme working conditions. At least five members on the team have taken or are currently on medical leave this year due to the severe stress and pressure of the work, which have resulted in mental and physical health conditions. I consistently flagged this to HR and management but no actions were taken to provide my team with more support. My health has been significantly impacted as well, which I repeatedly shared with HR and leadership while I was the leader of GBM. My doctor encouraged me to take a medical leave, which I looked into with the HR team but ultimately did not feel supported.”

345. In addition to the extreme pressure to perform and the concern that taking leave would put her job in jeopardy, Ms. Puris did not feel supported in taking a leave because she was informed that doing so would impact her compensation.

346. Also in February and March 2022, in furtherance of her plan, agreed upon by Ms. Pappas, Ms. Puris worked with her team to develop updated marketing strategies. She made more than ten attempts to schedule a meeting with Ms. Pappas to get feedback and clarify the focus of her organization. Ms. Puris prepared a slideshow presentation about the new plans but was ultimately unable to meet with Ms. Pappas until March 14, 2022.

347. On March 14, 2022, Ms. Pappas told Ms. Puris that the slideshow presentation about her team’s new plans was not up to her standards, even though Ms. Puris had never

previously had the opportunity to make the presentation to Ms. Pappas and it was consistent with what had previously been discussed.

348. Ms. Pappas then stated that based on Mr. Tran's feedback and peer reviews, Ms. Puris' 2021 full-year performance review would not be positive and that she would be receiving an "I."

349. An "I" rating is *extremely* rare. In Ms. Puris' entire time at the Company managing large teams through twice-yearly performance cycles, only one employee ever received an "I" rating – and that was because the employee rarely showed up for work for six months.

350. Understandably, Ms. Puris was shocked given that she had only received positive feedback from her peers and Mr. Tran told her she was on track to receive an M+ rating. In addition, the performance cycle had just begun and was still in progress, and Ms. Puris knew that her colleagues were still in the process of providing feedback on her performance.

351. It was also unusually rare for a manager to determine a rating for any employee prior to the performance cycle closing because the reviews go through many levels of calibration and are often changed during the process.

352. More to the point, given the extensive list of accomplishments that Ms. Puris delivered in 2021, the rating of "I" was completely unjustifiable. The accomplishments include, among others:

- Ms. Puris led the Global Brand and Creative Organization to deliver exceptional work across five subgroups (Stacey Dsylva: EMEA, Ashok Cherian: APAC, Francis Mekhail: AMS, Julia Zhou: Strategy and Kandra Lopez: Events & Experiences).
- Ms. Puris crafted and executed the vision for the Global Brand and Creative Organization, and then ensured that its scope increased

significantly as more cross functional partners and emerging products sought to collaborate with the group;

- Ms. Puris consistently provided executive creative direction for marketing campaigns and cross functional requests across many markets and countries, including TV, Print, OOH, Radio, Design, Strategy and in APP; and
- Ms. Puris oversaw the Global Business Marketing Organization in the first half of 2021, which included Creative Lab, Brand Strategy, Business to Business and Program Management.

353. A sampling of Ms. Puris’ 2021 accomplishments as the leader of Global Brand & Creative Organization are contained in the materials below.

Strengthened Our Positioning as a Trusted Entertainment Brand Through Campaign Creative

We Recommended Our New Brand Positioning

TikTok is entertainment driven by our community

1. Unique Community	2. Innovative Product	3. Broad Appeal
Creative	Innovative	Broad Appeal
Discovery	Interactive	Drive Engagement/Action
Responsive	Test for Creativity	Scale to Scale
Creative	Personalized	Brand Love
Authentic	Trustworthy	Drive Partners/Opportunity
Inclusive	Responsible	Consumer & Branding

Supported our XFN Partners Through Creative Excellence

Brought the Brand Narrative to Life in Local Markets

AMS APAC EMEA

Overview of 2021 COE Work

2021 PROJECTS					
TEAMS	AMS	APAC	EMEA	Experiential	Brand Strategy
Marketing	119	136	143	29	20
Ops	62	332	44	NA	N/A
XFN	1183	178	673	65	1
Other	19	0	4	0	N/A
Incomplete/Cancelled				58	
TOTALS	1383	646	864	163	21

Brought Emerging Brands to Life Globally

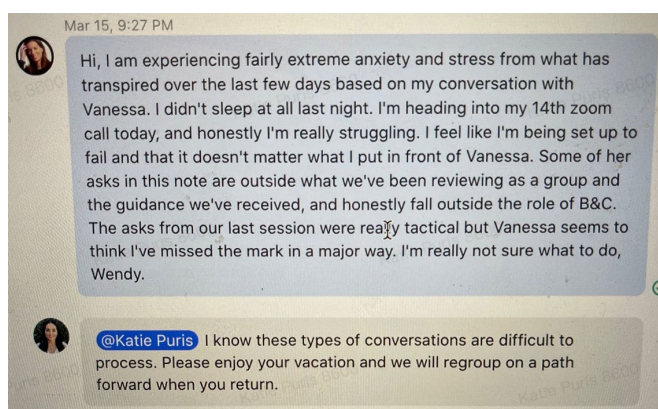
TIKTOK SHOPPING RESSO TIKTOK MUSIC EFFECT HOUSE & TIKTOK AVATARS

354. Moreover, as noted above, it was in 2021 that TikTok for Business was recognized by The Drum as the B2B Brand of the Year.

355. While Ms. Puris was not surprised that her colleagues were likely frustrated with the state of affairs in 2022, there is no question that the root of those frustrations was the utter inability of Mr. Chew or Ms. Pappas to make decisions of consequence and the chaos that ensued as a result.

356. Ultimately, Ms. Puris addressed the issue of her rating with Ms. Jimenez to express her shock and that she did not receive any feedback that would support such a low rating. She further wrote to Ms. Jimenez that she had only had two one-on-one meetings with Ms. Pappas, had only ever received high marks from her direct team and had never received any feedback from Human Resources regarding a concern or complaint.

357. On March 15, 2022, Ms. Puris reported to Ms. Jimenez that she was experiencing “extreme anxiety and stress” as a result of her conversation with Ms. Pappas. She shared that she was really struggling and was being set up to fail. Ms. Jimenez’s response was completely dismissive and she offered no help.



358. On April 1, 2022, Ms. Puris again met with Ms. Pappas – this time to present a final marketing plan with an analysis and accounting of the work delivered in 2021, the priorities and deliverables based on regions for 2022 and an estimate of the number of hours and personnel

needed to complete the work compared to existing resources and headcount. The rigorous headcount analysis showed that Ms. Puris' team needed an additional 53 employees to fulfill the extensive work required in 2022, although in an effort to get approval, Ms. Puris only requested an additional 30 employees for her headcount.

359. During another meeting in the spring of 2022, Ms. Pappas referenced Ms. Puris' "level" at TikTok in a negative manner, which is a numerical value issued to employees based on experience. Ms. Pappas implied that the Company did not want as many high-level employees. Given the previous comment by TikTok's founders about their preferences for hiring younger (*i.e.*, lower level) employees and Mr. Chandlee informing Ms. Puris that Mr. Lidong said he did not want to hire any senior talent, Ms. Puris understood this to reference her age.

360. TikTok lacked female leadership, especially on Ms. Pappas' team. The diversity and inclusion analysis referenced above showed that only 19 percent of Pappas' direct reports were women.

361. In April 2022, Ms. Puris received a written negative review from Ms. Pappas, which included two "I's" and two "M's." This was yet another in a long line of hostile actions taken against Ms. Puris for discriminatory and retaliatory reasons.

362. Ms. Puris reached out to Ms. Jimenez for clarity and wrote: "As I shared with Vanessa, I respectfully challenge an I rating and would like to discuss further as I do not think it is appropriate based on the details shared above, what I inputted into my self review, B&C team and partner feedback."

363. During a conversation with Ms. Jimenez about her performance review, Ms. Puris asked if TikTok was putting together a performance plan to outline the areas that Ms. Puris needed to improve upon and provide actionable feedback.

364. Ms. Jimenez responded that there was no plan, but that she would connect with Ms. Pappas to ensure that Ms. Pappas met with Ms. Puris one-on-one regularly. These meetings were never scheduled despite Ms. Puris' repeated attempts to meet with Ms. Pappas.

365. In or around April 2022, Ms. Puris also scheduled one-on-one meetings with colleagues to seek feedback on their peer reviews. The only colleague to express any concern was Kim Farrell ("Ms. Farrell"), the interim Head of U.S. Marketing, who told Ms. Puris that she was encouraged by either Ms. Jimenez or Ms. Pappas to write a detailed and critical review of her.

366. In late April 2022, Ms. Puris again complained to Ms. Jimenez about Ms. Pappas and her review. Specifically, Ms. Puris wrote: "I am very concerned that this treatment has to do with my age and health status. Vanessa mentioned my level multiple times during the call, and I know the company is aggressively working to hire more junior talent. I have been in many groups and have even heard Yiming during a leadership meeting that he prefers younger talent at our company. . . . I have serious concerns both from TikTok and ByteDance based on bias due to my age as well as documented health conditions."

367. On April 25, 2022, Ms. Puris met with Employee Relations where she again reported that the review Ms. Pappas provided to her was based on discriminatory animus toward Ms. Puris' age.

368. In particular, Ms. Puris noted that she had witnessed several executives talk about the desire to hire younger employees and a general preference for younger employees, and that Ms. Pappas repeatedly focused on her "level" at the Company during her review, which is effectively discussing Ms. Puris' age.

369. Soon after Ms. Puris made her protected complaints, Pappas began cutting Ms. Puris out of creative sessions and other meetings relevant to her role. Ms. Puris previously operated as the creative leader on the TikTok Taught Me campaign, which required weekly meetings to review scripts, storyboards, rough cuts and final assets.

370. In April 2022, Ms. Pappas named Zuber Mohammed (“Mr. Mohammed”) as the new interim Global Head of Marketing. However, Ms. Pappas remained Ms. Puris’ supervisor based on the Company’s internal Human Resources systems.

371. In May or June 2022, Mr. Mohammed, who was based in Singapore, officially became Ms. Puris’ supervisor.

372. Ms. Puris immediately began making repeated efforts to connect with Mr. Mohammed and seek his feedback and input on projects.

373. In particular, Ms. Puris shared her concern and confusion over Ms. Pappas’ treatment and the negative review she received.

374. Ms. Puris diligently asked Mr. Mohammed for feedback on her performance, but he never provided it.

375. On May 20, 2022, HR informed Ms. Puris that they investigated her complaint of age and disability discrimination and found no wrongdoing.

376. In the first two quarters of 2022, the global consumer organization led by Ms. Pappas was also reorganizing its North American organization. At the same time, TikTok leadership placed increasing pressure on Ms. Puris’ team to meet milestones with fewer resources.

377. For example, in the summer of 2022, Mr. Mohammed told Ms. Puris that she would no longer be allowed to replace employees who left TikTok despite high turnover. This

was extremely concerning given that Ms. Puris had shared with Mr. Mohammed, Ms. Jimenez and Ms. Pappas that her team was overworked and understaffed.

378. In the second half of 2022, Ms. Puris provided a presentation *via* internal messaging detailing her team's staffing needs and a detailed analysis of projects and estimated hours per project, which showed that her team members would have to work almost impossible hours to complete all projects and meet all deadlines. She also provided detailed information justifying her headcount.

379. Throughout July and August 2022, Mr. Mohammed and Ms. Jimenez provided Ms. Puris with changing directives regarding her team. She was told to stack rank employees, or evaluate them comparatively so that their performance ratings fit a bell curve. Mr. Mohammed and Ms. Jimenez, at Ms. Pappas' direction, told Ms. Puris to designate which roles were highest priority and the second highest priority.

380. Ms. Puris was then informed that all contractors, approximately five to seven individuals, needed to be fired by October 2022.

381. There is no question that these directives came from BDL's senior leadership.

382. Ms. Puris suggested making cuts from the large team in Japan and the employees in Korea given their disproportionate headcount compared to company need. Ms. Jimenez and Mr. Mohammed both told Ms. Puris that based on the laws in those countries, the Company could not fire anyone from Japan or Korea, but that they were trying to figure out how to skirt those laws to terminate the employees anyway.

383. Ms. Puris asked Mr. Mohammed whether other teams at TikTok were impacted, but he refused to answer. Instead, he told Ms. Puris that her organization was being impacted the

most, another indication that the mistreatment to which Ms. Puris was being subjected was on account of her gender, age and health status.

384. Ms. Puris reached out on multiple occasions to Ms. Jimenez for guidance and clarity on how to best approach selecting employees to retain. Ms. Jimenez suggested that Ms. Puris leverage the upcoming performance cycle and provide low ratings to a number of employees to justify their termination.

385. On Wednesday, August 31, 2022, during a video conference call, Mr. Mohammed told Ms. Puris to create a list of 20 employees to terminate from her team and provide the recommendation in two days' time.

386. Ms. Puris was shocked by this directive as earlier that day, she had met with Molly Duraney ("Ms. Duraney"), an HR Business Partner for consumer marketing. During this conversation, Ms. Duraney shared that that no layoffs were planned in the organization.

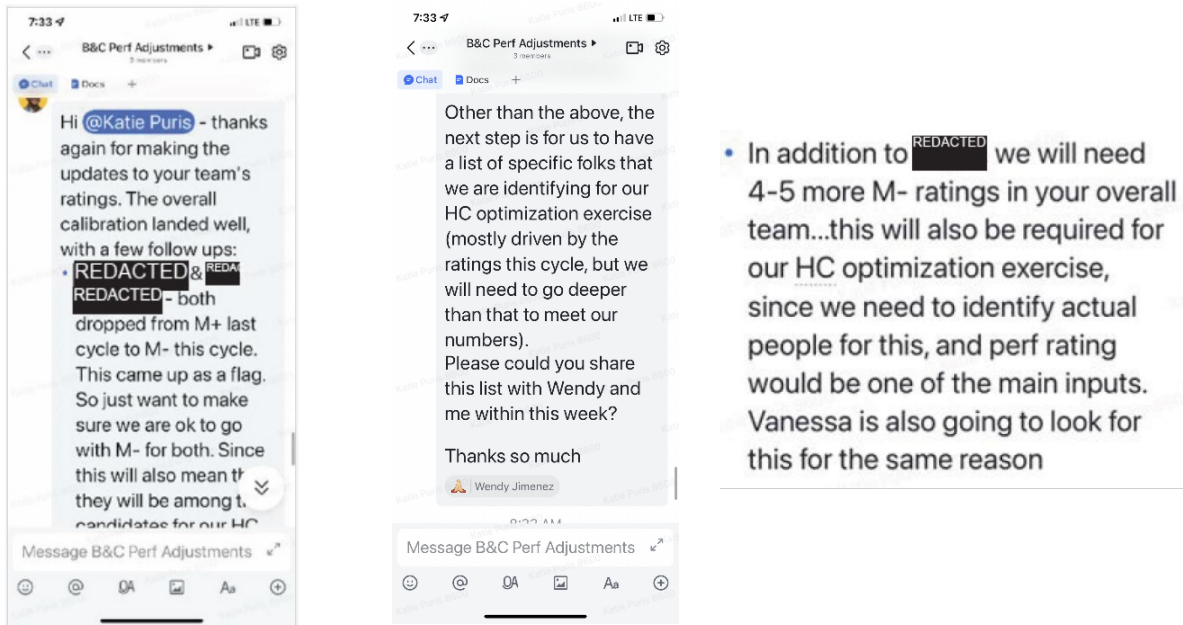
387. When Ms. Puris asked clarifying questions regarding the rationale, strategy and plan, Mr. Mohammed said that these cuts were "coming from ByteDance leadership."

388. Ms. Puris requested more time to reconsider the mandate of her team and develop a new remit based on the significant reduction in headcount.

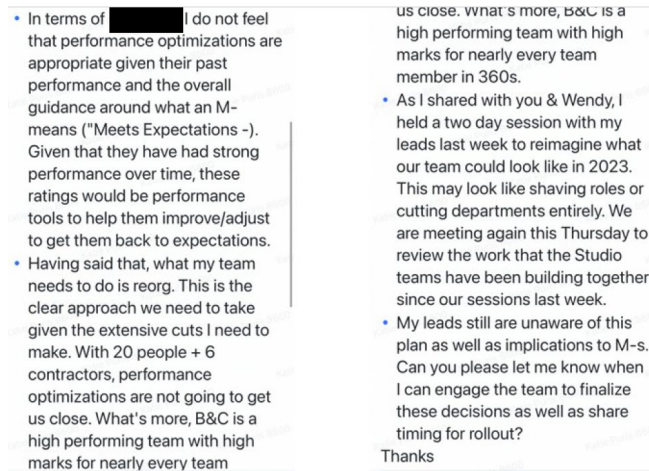
389. Mr. Mohammed refused and instead said "the ask to cut is, is, is definitive, right?" He recommended that Ms. Puris quickly build the list by forcing poor performance reviews and to be "just be a bit more harsh" in a way to meet the number. Mr. Mohammed's comment that Ms. Puris was unable to be "harsh" enough was yet another gendered critique. He further shared that these employees would receive a Performance Improvement Plan during the review cycle but would ultimately be terminated by December 31, 2022.

390. Then, during the performance cycle, Mr. Mohammed and Ms. Jimenez lowered the performance rankings of multiple individuals on Ms. Puris’ team, despite their performance and peer reviews not justifying a low ranking.

391. A screenshot of this request, redacted for privacy, is provided below.



392. Ms. Puris responded by defending her team members.



393. During 2022, Ms. Puris’ team was reduced by 50 percent with most of the reduction occurring only after Ms. Puris complained to HR in April 2022.

394. In addition, after Ms. Puris’ protected complaints, TTI began minimizing her in the Company and important decisions affecting her team were made without her input.

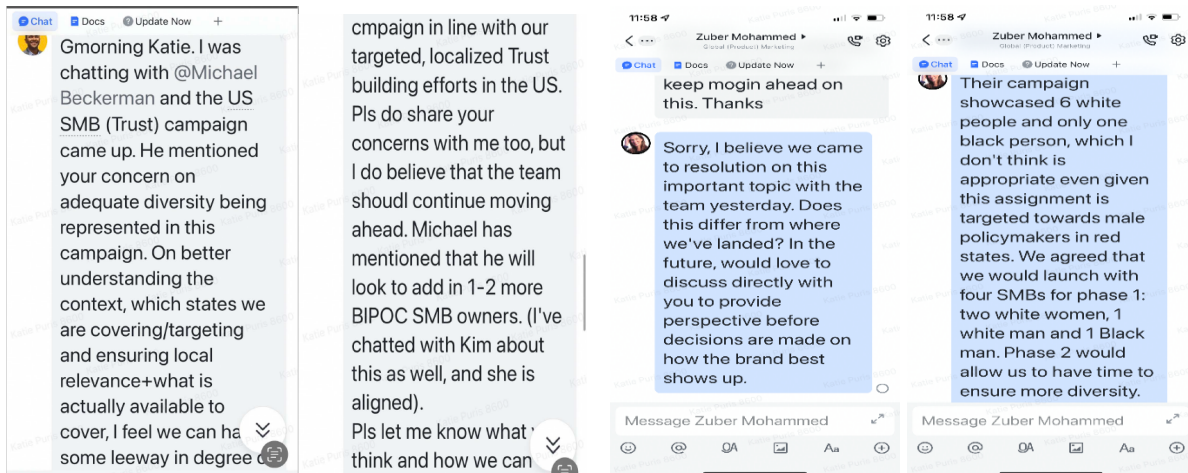
395. In late July 2022, TTI’s Policy team requested that Ms. Puris’ team develop a campaign directed at U.S. policymakers and Republican-led states or “Red States,” featuring small- and medium-business owners who promoted their businesses using TikTok.

396. After reviewing the business owners selected for the campaign, Ms. Puris expressed concerns that they were not diverse or representative of TikTok, as the campaign featured six or seven white men and only one Black woman.

397. Ms. Puris suggested that TikTok roll out the campaign in phases to give her team time to find a more diverse group of small business owners.

398. However, soon after, Mr. Mohammed had a conversation with Michael Beckerman (“Mr. Beckerman”), TikTok’s Head of Policy, without including Ms. Puris. Mr. Mohammed shared that Ms. Puris’ team would be moving forward with the campaign because the white small business owners would be more “relevant” to the Red States being targeted.

399. Screenshots of this conversation, which clearly indicate Ms. Puris’ belief that the decisions made were discriminatory based on gender and race, as well as her objection to the same, are provided below.



400. Shortly after these events, BDL once again demonstrated its control and influence over TTI by holding an all-employee meeting attended by, *inter alia*, Mr. Liang, Kelly Zhang (CEO of ByteDance, China a/k/a Douyin), Mr. Lidong, Julie Gao (CFO of BDL), and other Chinese-based members of ByteDance’s executive leadership. During this meeting, Mr. Liang and Ms. Zhang, among others, lectured employees, including TTI and BDI employees, on how to escalate complaints, leadership strategies, delegation of work, tactical decision making, ensuring alignment across ByteDance and employee adherence to ByteStyles in the non-China regions.

IX. MS. PURIS IS SUBJECTED TO SEXUAL HARASSMENT AND THE COMPANY FAILS TO TAKE APPROPRIATE MEASURES

401. In June 2022, Ms. Puris attended Cannes Lions, a creative industry event, in France with other TikTok marketing employees. This entire event was a workplace event. Defendants sent over 100 employees to the event and invested millions of dollars in building out private space, creating events and hosting clients and advertising agencies.

402. On June 21, 2022, Ms. Puris attended a TikTok top-to-top dinner sponsored by Zenith Worldwide (“Zenith”), an advertising agency, with approximately 12 TikTok and Zenith executives. As TikTok’s contracted global media vendor, Zenith Worldwide was responsible for the planning and buying of hundreds of millions of dollars in TikTok advertising spend annually.

403. At the dinner, Ms. Puris met Christian Lee (“Mr. Lee”), Zenith’s managing director, for the first time. Mr. Lee repeatedly told Ms. Puris about how senior he was and that he was in charge of the team working on TikTok’s account. During dinner, Mr. Lee became increasingly intoxicated and forced Ms. Puris to sit next to him by blocking her path back to the seat at which she was previously sitting at the table. Mr. Lee was slurring his speech, spilled an entire glass of wine on Ms. Puris’ plate, and began repeatedly touching Ms. Puris’ arm, asking her where to party after the dinner and where they could go dancing.

404. Ms. Puris was incredibly uncomfortable with Mr. Lee's sexually harassing and boorish behavior toward her. Several others at the table attempted to distract Mr. Lee to divert his attention away from Ms. Puris, but Mr. Lee was relentless. Around 10 p.m., another TikTok employee joined the dinner and led Ms. Puris outside to get her away from Mr. Lee.

405. When Ms. Puris got outside with the employee who assisted her in leaving, the employee said that she "pulled [Ms. Puris] out of the restaurant" because she recognized how uncomfortable the interaction with Mr. Lee had made Ms. Puris.

406. Rather than going out with her team, Ms. Puris immediately returned to her hotel because she was so shaken about her interaction with Mr. Lee.

407. The following day, on June 22, 2022, Ms. Puris reported Mr. Lee's inappropriate behavior to Mr. Mohammed. He did not respond other than to say that Ms. Puris' concerns could be raised to Jimenez. This was incredibly discomfoting to Ms. Puris, as Mr. Mohammed was plainly apathetic to sexual harassment and seemed to believe that being subjected to such behavior was simply "part of the job" for women.

408. Later that same day, Ms. Puris met with Mr. Mohammed and Jana Ulaite, Head of Marketing for TikTok Europe. Mr. Mohammed tried to reassure Ms. Puris that the sexual harassment incident would be addressed. However, given his nonchalant response to Ms. Puris' initial report, Ms. Puris did not believe that Mr. Mohammed intended to address this situation appropriately. As it turned out, she was correct.

409. In addition, Ms. Jimenez sent Ms. Puris an internal message to acknowledge the information shared with Mr. Mohammed and requested a time to meet *via* a video call.

410. However, a few hours prior to the scheduled video call, Ms. Jimenez canceled and shared that the Ethics team would be taking over the investigation.

411. Ms. Puris expressed concern that TikTok was hosting an event that evening, the SoundOn Soiree, and that Mr. Lee may be in attendance.

412. Only later did Mr. Mohammed assure Ms. Puris that Mr. Lee would not be in attendance.

413. On June 23, 2022, Ms. Puris led a panel in TikTok's space at Cannes Lions. After the panel, despite being well aware about the sexual harassment, Mr. Mohammed asked Ms. Puris if she would be joining the Zenith session that afternoon; namely, a presentation that Zenith was making to TikTok in TikTok's private space. Ms. Puris said she planned to attend. Mr. Mohammed then told Ms. Puris that Mr. Lee would likely be there as well.

414. Ms. Puris was very concerned and surprised that Mr. Lee was invited to the event, given that it was being hosted by TikTok. TikTok had apparently chosen to appease a sexual harasser rather than ensure a safe space for Ms. Puris. As a result, Ms. Puris was forced to miss this workplace event. Instead, she returned to her hotel.

415. Ms. Puris returned to New York on June 24, 2022 without ever hearing from TikTok's Ethics team.

416. On June 27, 2022, Ms. Puris reached out to Ms. Jimenez about the lack of follow up and described in detail the events that transpired during Cannes Lions. Ms. Puris wrote that she was "disappointed that the ethics team has not taken my concerns seriously" and that she wanted to know that "TikTok takes real action when one of their employees experiences sexual harassment." Ms. Puris would be terminated not long after engaging in this protected activity.

417. On or around June 28, 2022, Ms. Puris finally heard from TikTok's Ethics team.

418. Lacey Rainwater ("Ms. Rainwater"), an investigator and attorney, reached out to Ms. Puris *via* internal messaging and requested a meeting. As it turned out, Ms. Rainwater had

not even been informed about the sexual harassment until that very morning. Ms. Puris met with Ms. Rainwater over a video call, shared all of the details about Mr. Lee's sexual harassment, and answered all of Ms. Rainwater's questions. Ms. Puris also provided Ms. Rainwater with witnesses who could corroborate her account.

419. During the call, Ms. Puris shared her disappointment that TikTok had not taken the matter more seriously: "I was left to be in a very uncomfortable situation for the rest of my time in France where I was very worried that I was gonna bump into this person again, where I knew that he was gonna be in our spaces and our company did nothing to protect me, even though I had voiced the concerns. And I think that's a major fall down. This is not a standard investigation. This is sexual harassment that happened to a, an executive at our company and nothing was done. And I think that is totally wrong, and I'm really upset. I'm just as upset at how TikTok has managed this thus far as I was at what happened to me in France . . . I didn't even attend the meeting because I was so scared that I was gonna have to see him again. You know? And it just like, we've gotta make sure that that doesn't happen to anybody again, because it should have been resolved when I was on the ground. He should have been excused from any kind of TikTok experiences like he was in our space and I couldn't even be there."

420. At Ms. Rainwater's request, Ms. Puris then sent Ms. Rainwater a screenshot of a text message she sent to a colleague that said, in sum and substance, that she was leaving the dinner because she was seated next to someone who was too drunk.

421. Ms. Puris did not hear back from the Ethics team again until July 8, 2022, when Ms. Rainwater told her *via* internal messaging that TikTok had asked its contact at Zenith to ensure that Mr. Lee did not participate in future TikTok meetings or business. Ms. Puris was not informed until July 29, 2022 that Lee was actually being removed from supporting the TikTok

account, but by this time the damage was done, as Ms. Puris had been forced to miss out on important workplace events and networking and other business opportunities because of TikTok's inaction.

422. ByteDance's own anti-discrimination and harassment policies confirm that what Ms. Puris experienced and complained about was sexual harassment:

- “This policy applies to all companies in the ByteDance group worldwide, and covers actions occurring at the workplace or any other settings involving work, such as work events, social outings, conferences, phone calls, video conferences, emails, and Lark chats.”
- “Where permitted by law, this policy also applies to our dealings with external parties including, but not limited to, job applicants, consultants, contractors, clients, suppliers, visitors or other non-employees (collectively, “Non-employees”), all of whom are expected to comply with this policy.”
- Sexual harassment includes, *inter alia*, “Physical contact such as unwanted touching . . . ;” “Unwanted sexual flirtation . . . ;” and “Abuse constantly targeting at only one sex, even if the content of the abuse is not sexual.”
- “The harasser can be . . . a Non-employee.”
- “It is the Company's policy to provide a work environment free of sexual and other harassment. To that end, harassment of Company's employees by management, supervisors, coworkers, or nonemployees who are in the workplace, or at workplace events, is absolutely prohibited.”

X. MS. PURIS MAKES ANOTHER PROTECTED COMPLAINT AND IS SUBJECTED TO A RETALIATORY AND UNLAWFUL TERMINATION

423. On September 23, 2022, Ms. Puris emailed Ms. Jimenez and expressed concerns about the treatment of women at TikTok, age discrimination, the sexual harassment at Cannes Lion and the overall work environment. Specifically, Ms. Puris expressed concerns that very few women had been named to permanent leadership roles during the North America

reorganization, the way TikTok handled the sexual harassment incident at Cannes Lion and the emphasis at TikTok on hiring “young, fresh talent.”

424. Just days later, Ms. Puris was fired for “performance reasons.” Ms. Pappas delivered the news of Ms. Puris’ firing, which was unusual because she was no longer Ms. Puris’ manager and the performance cycle had not been completed. Moreover, given everything described herein, there is no question that the supposed reason for Ms. Puris’ termination – *i.e.*, performance – was merely a pretext for unlawful discrimination and retaliation.

425. TikTok never even addressed Ms. Puris’ previous protected activity.

426. Upon information and belief, the dramatic headcount cuts that were requested of Ms. Puris were never executed after her termination, further demonstrating their discriminatory and retaliatory nature.

427. As of this filing, Ms. Puris’ Global Business Marketing and Brand & Creative organizations will finally understand what transpired in full, as she made her best efforts to shield them from the discriminatory treatment she endured in an effort to protect their experience at TikTok.

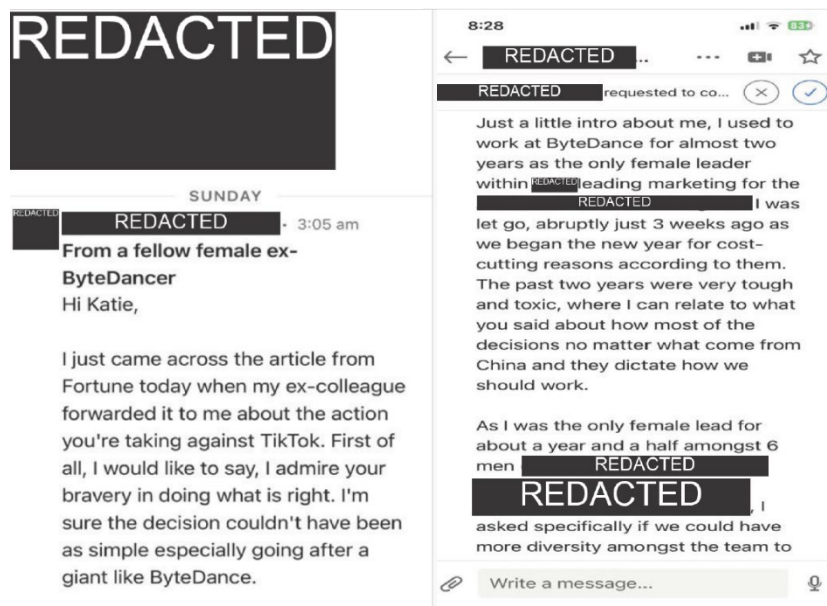
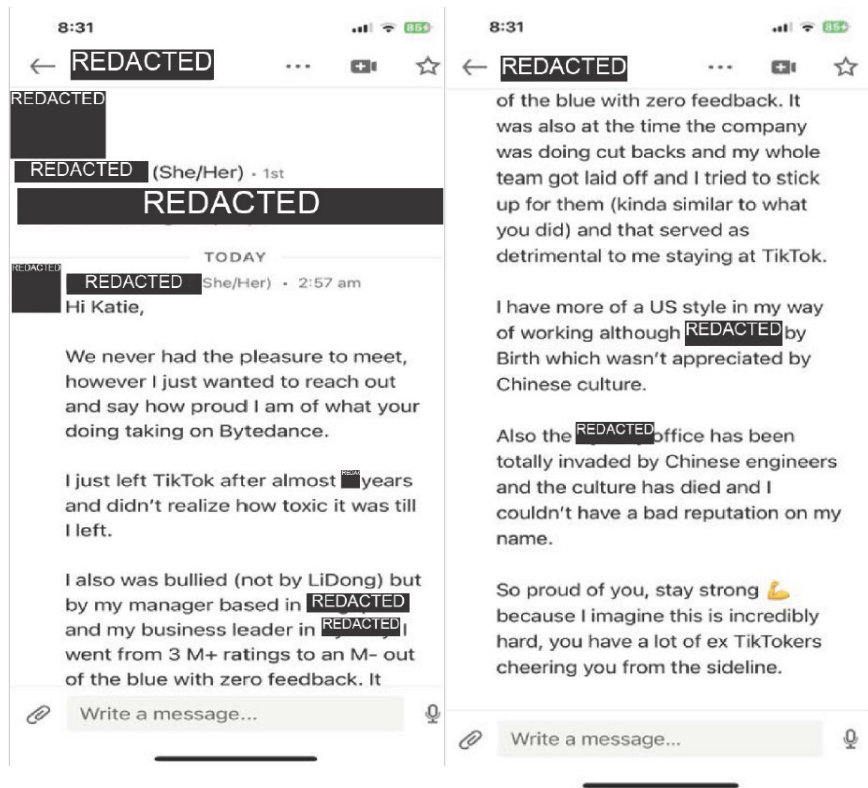
XI. MS. PURIS FILES THIS ACTION AND RECEIVES SIGNIFICANT SUPPORT FROM OTHER VICTIMS OF DISCRIMINATION

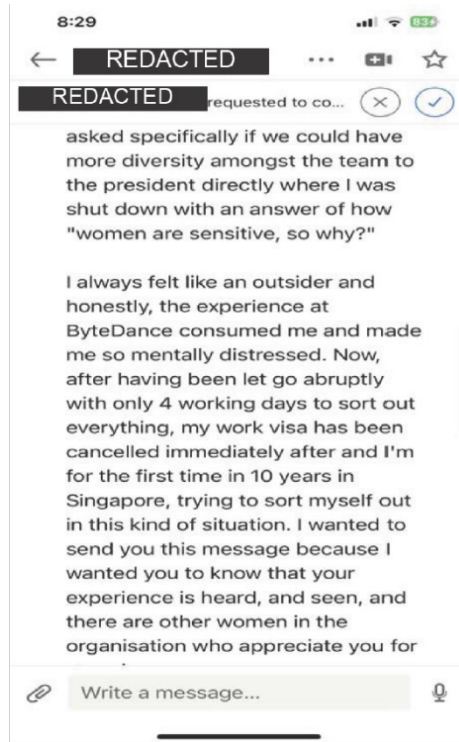
428. The initial Complaint in this action was filed on February 8, 2024.

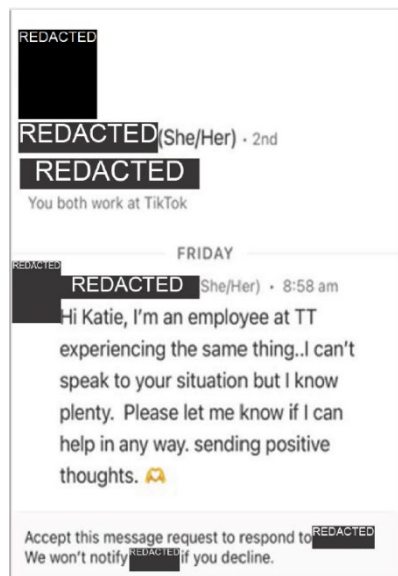
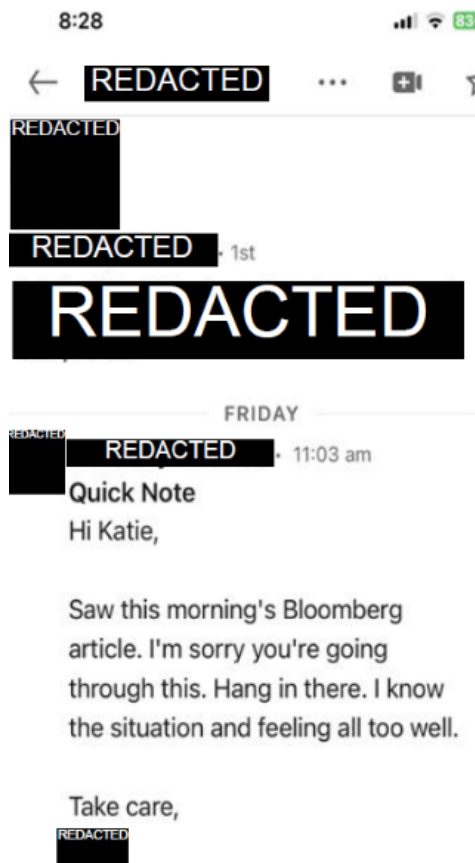
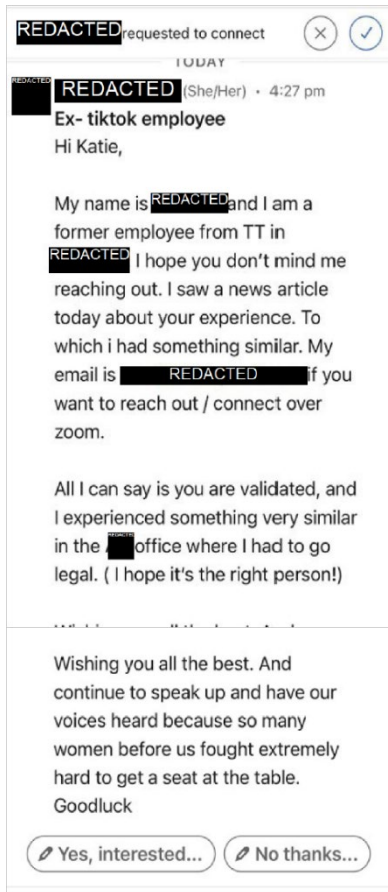
429. Following media reports about the action, multiple other victims of age and gender-based discrimination at ByteDance came forward.

430. In addition, these individuals’ outreaches establish that China is *still* controlling TikTok in the U.S. despite lying to Congress with claims that Mr. Chew operates virtually independently from BDL’s senior leadership. The outreaches also demonstrate that sexual and

gender-based harassment, as well as age and other forms of discrimination are rampant at Company. Screenshots redacted for privacy are below.









Hi Katie, hope this finds you well! I recently came across the article regarding the lawsuit with TikTok, so I wanted to come on here to extend my support.

I was most recently with Lark/ByteDance for 1.5 yrs. The experience I had was appalling, to say the least. Here in the Singapore, we've seen c-suites inappropriately harassing female employees (and this being brushed under the carpet). Some of them have outrightly said they don't encourage gender diversity in their management team because "women are sensitive"... Among a few other incidents.

431. In addition, Ms. Puris received various calls of support, including one call from a U.S.-based current senior leader within TikTok who confirmed that the Chinese control of the American operations of TikTok has only gotten more extreme since Ms. Puris' termination.

Everything you experienced, we're all experienced. Yeah, you were just on the front end. I know. It just got more and more Chinese.

...

And they're just turning the screws more and more... Yeah. Yeah. You know, they put in leaders that dictate the way they want out of China.

...

but yeah, but it's a shame, you know, *it's a Chinese company, period, shame, that's it.*

FIRST CAUSE OF ACTION
(Discrimination in Violation of Title VII)
Against Defendants BDL, BDI, Douyin and TTI

432. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

433. By the actions described above, among others, Defendants BDL, BDI, Douyin and TTI discriminated against Plaintiff on the basis of her sex and age in violation of Title VII.

434. The gender based discrimination described herein constitutes not just disparate treatment, but also a hostile work environment on account of Plaintiff's sex.

435. As a direct and proximate result of the unlawful and discriminatory conduct of Defendants BDL, BDI, Douyin and TTI in violation of Title VII, Plaintiff has suffered, and continues to suffer harm for which she is entitled to an award of damages to the greatest extent permitted by law, including but not limited to monetary and/or other economic harm.

436. As a direct and proximate result of the unlawful and discriminatory conduct of Defendants BDL, BDI, Douyin and TTI in violation of Title VII, Plaintiff has suffered, and continues to suffer injury, pain, ailments and conditions, and reputational harm, as well as mental anguish and emotional distress, for which she is entitled to an award of compensatory damages.

437. The unlawful and discriminatory actions of BDL, BDI, Douyin and TTI constitute malicious, willful, wanton and/or reckless indifference to Plaintiff's protected rights under Title VII.

SECOND CAUSE OF ACTION
(Retaliation in Violation of Title VII)
Against Defendants BDL, BDI, Douyin and TTI

438. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

439. By the actions described above, among others, Defendants BDL, BDI, Douyin and TTI retaliated against Plaintiff for engaging in protected activity under Title VII.

440. As a direct and proximate result of the unlawful and retaliatory conduct of Defendants BDL, BDI, Douyin and TTI in violation of Title VII, Plaintiff has suffered, and continues to suffer harm for which she is entitled to an award of damages to the greatest extent permitted by law, including but not limited to monetary and/or other economic harm.

441. As a direct and proximate result of the unlawful and retaliatory conduct of Defendants BDL, BDI, Douyin and TTI in violation of Title VII, Plaintiff has suffered, and continues to suffer injury, pain, ailments and conditions, and reputational harm, as well as mental anguish and emotional distress, for which she is entitled to an award of compensatory damages.

442. The unlawful and retaliatory actions of Defendants BDL, BDI, Douyin and TTI constitute malicious, willful, wanton and/or reckless indifference to Plaintiff's protected rights under Title VII.

THIRD CAUSE OF ACTION
(Discrimination in Violation of NYSHRL)
Against All Defendants

443. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

444. By the actions described above, among others, Defendants discriminated against Plaintiff on the basis of her sex, disability and age in violation of NYSHRL. Alternatively, Defendants aided and abetted the discrimination against Plaintiff on the basis of her sex, disability and age.

445. The gender-based discrimination described herein constitutes not just disparate treatment, but also a hostile work environment on account of Plaintiff's sex.

446. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of NYSHRL, Plaintiff has suffered, and continues to suffer harm for which she is entitled to an award of damages to the greatest extent permitted by law, including but not limited to monetary and/or other economic harm.

447. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of NYSHRL, Plaintiff has suffered and continues to suffer, injury, pain, ailments and conditions, and reputational harm, as well as mental anguish and emotional distress, for which she is entitled to an award of compensatory damages.

448. Defendants' unlawful and discriminatory actions constitute malicious, willful, wanton and/or reckless indifference to Plaintiff's protected rights under NYSHRL.

FOURTH CAUSE OF ACTION
(Retaliation in Violation of NYSHRL)
Against All Defendants

449. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

450. By the actions described above, among others, Defendants retaliated against Plaintiff for engaging in protected activity in violation of NYSHRL. Alternatively, Defendants aided and abetted the retaliation to which Plaintiff was subjected.

451. As a direct and proximate result of Defendants' unlawful and retaliatory conduct in violation of NYSHRL, Plaintiff has suffered, and continues to suffer harm for which she is entitled to an award of damages to the greatest extent permitted by law, including but not limited to monetary and/or other economic harm.

452. As a direct and proximate result of Defendants' unlawful and retaliatory conduct in violation of NYSHRL, Plaintiff has suffered, and continues to suffer injury, pain, ailments and conditions, and reputational harm, as well as mental anguish and emotional distress, for which she is entitled to an award of compensatory damages.

453. Defendants' unlawful and discriminatory actions constitute malicious, willful, wanton and/or reckless indifference to Plaintiff's protected rights under NYSHRL.

FIFTH CAUSE OF ACTION
(Discrimination in Violation of NYCHRL)
Against All Defendants

454. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

455. By the actions described above, among others, Defendants discriminated against Plaintiff on the basis of her sex, disability and age in violation of NYCHRL. Alternatively,

Defendants aided and abetted the unlawful discrimination against Plaintiff on the basis of her sex, disability and age.

456. The gender-based discrimination described herein constitutes not just disparate treatment, but also a hostile work environment on account of Plaintiff's sex.

457. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of NYCHRL, Plaintiff has suffered, and continues to suffer harm for which she is entitled to an award of damages to the greatest extent permitted by law, including but not limited to monetary and/or other economic harm.

458. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of NYCHRL, Plaintiff has suffered, and continues to suffer injury, pain, ailments and conditions, and reputational harm, as well as mental anguish and emotional distress, for which she is entitled to an award of compensatory damages.

459. Defendants' unlawful and discriminatory actions constitute malicious, willful, wanton and/or reckless indifference to Plaintiff's protected rights under NYCHRL.

SIXTH CAUSE OF ACTION
(Retaliation in Violation of NYCHRL)
Against All Defendants

460. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

461. By the actions described above, among others, Defendants retaliated against Plaintiff for engaging in protected activity in violation of NYCHRL. Alternatively, Defendants aided and abetted the retaliation to which Plaintiff was subjected.

462. As a direct and proximate result of Defendants' unlawful and retaliatory conduct in violation of NYCHRL, Plaintiff has suffered, and continues to suffer harm for which she is

entitled to an award of damages to the greatest extent permitted by law, including but not limited to monetary and/or other economic harm.

463. As a direct and proximate result of Defendants' unlawful and retaliatory conduct in violation of NYCHRL, Plaintiff has suffered, and continues to suffer injury, pain, ailments and conditions, and reputational harm, as well as mental anguish and emotional distress, for which she is entitled to an award of compensatory damages.

464. Defendants' unlawful and discriminatory actions constitute malicious, willful, wanton and/or reckless indifference to Plaintiff's protected rights under NYCHRL.

SEVENTH CAUSE OF ACTION
(Interference with Protected Rights in Violation of NYCHRL)
Against All Defendants

465. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

466. By the actions described above, among others, Defendants interfered with Plaintiff's rights as protected by the NYCHRL and in violation thereof. Alternatively, Defendants aided and abetted the unlawful interference described herein.

467. As a direct and proximate result of Defendants' unlawful conduct in violation of NYCHRL, Plaintiff has suffered, and continues to suffer harm for which she is entitled to an award of damages to the greatest extent permitted by law, including but not limited to monetary and/or other economic harm.

468. As a direct and proximate result of Defendants' unlawful conduct in violation of NYCHRL, Plaintiff has suffered, and continues to suffer injury, pain, ailments and conditions, and reputational harm, as well as mental anguish and emotional distress, for which she is entitled to an award of compensatory damages.

469. Defendants' unlawful and discriminatory actions constitute malicious, willful, wanton and/or reckless indifference to Plaintiff's protected rights under NYCHRL.

EIGHTH CAUSE OF ACTION
(Age Discrimination in Violation of the ADEA)
Against Defendants BDL, BDI, Douyin and TTI

470. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

471. By the actions described above, among others, Defendants BDL, BDI, Douyin and TTI discriminated against Plaintiff on the basis of her age in violation of the ADEA.

472. As a direct and proximate result of the unlawful conduct of Defendants BDL, BDI, Douyin and TTI in violation of the ADEA, Plaintiff has suffered, and continues to suffer harm for which she is entitled to an award of damages to the greatest extent permitted by law, including but not limited to monetary and/or other economic harm.

473. The conduct of Defendants BDL, BDI, Douyin and TTI showed willful and/or wanton negligence, recklessness and conscious disregard for Plaintiff's statutorily protected rights for which Plaintiff is entitled to an award of liquidated damages.

NINTH CAUSE OF ACTION
(Interference in Violation of the FMLA)
Against Defendants BDL, BDI, Douyin and TTI

474. Plaintiff hereby repeats, reiterates and re-alleges each and every allegation as contained in each of the preceding paragraphs as if fully set forth herein.

475. By the actions described above, among others, Defendants BDL, BDI, Douyin and TTI unlawfully interfered with Plaintiff's FMLA rights.

476. As a direct and proximate result of the unlawful conduct of Defendants BDL, BDI, Douyin and TTI in violation of the FMLA, Plaintiff has suffered, and continues to suffer

harm for which she is entitled to an award of damages to the greatest extent permitted by law, including but not limited to monetary and/or other economic harm.

477. The conduct of Defendants BDL, BDI, Douyin and TTI showed willful and/or wanton negligence, recklessness and conscious disregard for Plaintiff's statutorily protected rights for which Plaintiff is entitled to an award of liquidated damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court enter judgment in her favor and against Defendants, through the following relief:

- A. A declaratory judgment that the actions of Defendants complained of herein violate the laws of the United States and the State of New York and City of New York;
- B. An injunction and order permanently restraining Defendants from engaging in such unlawful conduct;
- C. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic damages, including but not limited to past and future lost earnings;
- D. An award of damages against Defendants, in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all non-monetary and/or compensatory damages, including but not limited to emotional pain and suffering and emotional distress;
- E. An award of damages against Defendants, in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for harm to her professional and personal reputations and loss of career fulfillment;
- F. An award of punitive damages in an amount to be determined at trial;
- G. An award of liquidated damages in an amount to be determined at trial;

- H. Prejudgment interest on all amounts due;
- I. Reinstatement;
- J. Front pay;
- K. An award of attorneys' fees and costs that Plaintiff has incurred in this action to the fullest extent permitted by law; and
- L. Such other and further relief as the Court may deem just and proper.

JURY DEMAND


Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: August 21, 2024
New York, New York

Respectfully submitted,

WIGDOR LLP

By: _____


Michael J. Willemin
Monica Hincken

85 Fifth Avenue
New York, NY 10003
Telephone: (212) 257-6800
Facsimile: (212) 257-6845
mwillemin@wigdorlaw.com
mhincken@wigdorlaw.com

Counsel for Plaintiff