

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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TIKTOK INC. and BYTEDANCE  
LTD.,

*Petitioners,*

v.

MERRICK B. GARLAND, in his  
official capacity as Attorney General  
of the United States,

*Respondent.*

No. 24-1113 (Lead)

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BRIAN FIREBAUGH, CHLOE JOY  
SEXTON, TALIA CADET, TIMOTHY  
MARTIN, KIERA SPANN, PAUL  
TRAN, CHRISTOPHER  
TOWNSEND, and STEVEN KING,

*Petitioners,*

v.

MERRICK B. GARLAND, in his  
official capacity as Attorney General  
of the United States,

*Respondent.*

No. 24-1130

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BASED POLITICS INC.,

*Petitioner,*

v.

MERRICK B. GARLAND, in his  
official capacity as Attorney General  
of the United States,

*Respondent.*

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No. 24-1183

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ON PETITION FOR REVIEW OF THE PROTECTING AMERICANS  
FROM FOREIGN ADVERSARY CONTROLLED APPLICATIONS  
ACT (H.R. 815)

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**SUPPLEMENTAL ADDENDUM IN SUPPORT OF EMERGENCY  
MOTION FOR INJUNCTION PENDING SUPREME COURT REVIEW**

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IN THE UNITED STATES COURT OF APPEALS  
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BRIAN FIREBAUGH, CHLOE  
JOY SEXTON, TALIA CADET,  
TIMOTHY MARTIN, KIERA  
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CHRISTOPHER TOWNSEND,  
and STEVEN KING,

*Petitioners,*

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MERRICK B. GARLAND, in his  
capacity as United States Attorney  
General,

*Respondent.*

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**DECLARATION OF TALIA CADET IN SUPPORT OF PETITIONERS'  
EMERGENCY MOTION FOR INJUNCTION PENDING  
SUPREME COURT REVIEW**

I, Talia Cadet, declare as follows:

1. I make this declaration from personal knowledge.
2. I incorporate by reference the facts stated in my June 18, 2024 declaration.
3. If the Act, which bans TikTok in the United States, takes effect in January 2025, I will suffer substantial and immediate harm.
4. As described in further detail in my original declaration, I

have dedicated years to creating content on TikTok that promotes Black authors and small businesses and shares my personal experiences with the world. The community that I have found and helped to foster on TikTok has greatly impacted my life—providing me with a sense of purpose, joy, connection, expression, and information. The loss of my ability to speak to and learn from this community even for a few months would create a damaging void in my life and the lives of many other TikTok users and creators.

5. I currently have specific engagements scheduled for next year that would be threatened if the ban takes effect as scheduled in January. Specifically, I am scheduled to participate in several book talks in February, March, and April 2025 that I would normally promote heavily on my TikTok account, resulting in increased visibility and potential sales for the authors as well as possible future opportunities for me. I also have pending paid partnerships for books that are scheduled to publish in February 2025, which would be threatened if TikTok is banned as scheduled. Losing the ability to boost these authors and share these book talks with my over 145,000 TikTok followers would be very painful and also impact me financially. It would also impact the authors I

promote, many of whom are independent or under-represented and under-resourced in the traditional publishing industry, and rely on TikTok creators like me to expand their books' reach.

6. Specifically, if the ban takes effect in January, my annual income will decrease. Last year, I made about 15 percent of my annual income from my work on TikTok; and I stand to make more this year. The loss of this supplemental income and the financial freedom it allows me would be difficult.

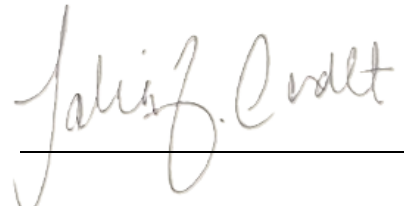
7. As I explained in further detail in my original declaration, I do not believe that I could replicate my success with TikTok on any other social media platform. Despite having posted some similar content on other apps like Instagram, I have not seen the same rates of growth and engagement—and my follower numbers show it. Additionally, a number of my TikTok followers have told me that they do not even use the other leading social media apps like Facebook or Instagram. So while I might continue creating content on Instagram in the event of a TikTok ban, I know it will not be the same.

8. I urge the Court to grant our emergency motion for an injunction pending appeal and protect our access to TikTok throughout

this judicial process.

I declare under penalty of perjury that the foregoing is true and correct.

Signed in Capitol Heights, Maryland this 9th day of December, 2024.

A handwritten signature in cursive script, appearing to read "Talia Cadet", is written above a solid horizontal line.

Talia Cadet

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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BRIAN FIREBAUGH, CHLOE  
JOY SEXTON, TALIA CADET,  
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CHRISTOPHER TOWNSEND,  
and STEVEN KING,

*Petitioners,*

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MERRICK B. GARLAND, in his  
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General,

*Respondent.*

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DECLARATION OF BRIAN FIREBAUGH IN SUPPORT OF  
PETITIONERS' EMERGENCY MOTION FOR INJUNCTION  
PENDING SUPREME COURT REVIEW

I, Brian Firebaugh, declare as follows:

1. I make this declaration from personal knowledge.
2. I incorporate by reference the facts stated in my June 18, 2024

declaration.

3. If the Act takes effect as scheduled on January 19, 2025, it will have immediate and devastating consequences on myself and my family.

4. I earn most of my income through selling my ranch products promoted on TikTok. If the Act takes effect and TikTok is banned, even for a few months, I believe my ranch will no longer generate sufficient revenue for my family to survive. We do not have any equivalent means to market our products and, as first-generation ranchers, do not have the same longstanding relationships or financial reserves as more established ranches. We do not have sufficient financial reserves to weather even a temporary shutdown of TikTok.

5. I also have contracts with third-party companies to promote certain products on my TikTok account that would become obsolete if the Act takes effect. Many of these companies are small local businesses that rely on me and other creators to market their products.

6. As a result, if TikTok is banned, I would be forced to accept work outside of my ranch and believe I would eventually have to sell the ranch. For me, the most difficult part of finding a new job is that I would have to hire someone else to provide daily care for my young son Rooster, instead of caring for him at home on the ranch as my wife and I have for 2.5 years. My wife and I believe it is very important to raise Rooster in a family environment where he feels loved and cared for, and is able to

learn about nature and animals—as he is on our ranch. Taking him out of this nurturing environment would break my heart.

7. Not only would a TikTok ban quickly dismantle my business and my family's way of life, it would also immediately eliminate the most effective tool for me to communicate with and support the agricultural community in Texas. As stated in my opening declaration, TikTok has allowed me to raise donations of critical cattle feed and antibiotics to send to ranchers in need after a series of devastating wildfires, and helped me to advertise beef-drop offs for folks struggling with food security.

8. I anticipate continuing to use TikTok to address any natural disasters or other community service needs that may arise in the next few months. Even if TikTok is only temporarily banned, I will lose my ability to help fellow ranchers respond to any emergencies, and I worry that these ranchers might be unable to recover.

9. In addition to community service, I have also used TikTok to both share my knowledge about Texas longhorn cattle and the agricultural lifestyle and to learn from and connect with other ranchers. In an environment like ranching that can be very isolating, this form of community-building, education, and mentorship is extremely valuable

and its loss—even for a few months—would be highly damaging.

10. If TikTok was banned, I know I would not be able to replicate the same experience and community impact or generate the same revenue through using other social media apps. As stated in my opening declaration, I have tried posting content on other platforms and failed to get anywhere near the same engagement as I have on TikTok. Videos I post on TikTok will sometimes garner millions of views, while the exact same video on other platforms may end up with just a few hundred views. No other platform compares, and none of them would save my ranch from financial ruin or allow me the same ability to support my community.

11. Thinking about the potential TikTok ban in January 2025 fills me with dread. I take pride in being able to provide for my family and help my community in times of need. Especially as a Marine Corps veteran, the idea that the government could take this all away from me and other Americans, even temporarily, is appalling.

12. I urge the Court to grant our emergency motion for an injunction pending appeal and protect our access to TikTok throughout this judicial process.

I declare under penalty of perjury that the foregoing is true and correct.



Signed in Hubbard, Texas this 9th day of December, 2024.

A handwritten signature in black ink, appearing to read "Brian Firebaugh". The signature is written in a cursive style with a large initial "B" and a distinct "F".

Brian Firebaugh

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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BRIAN FIREBAUGH, CHLOE )  
 JOY SEXTON, TALIA CADET, )  
 TIMOTHY MARTIN, KIERA )  
 SPANN, PAUL TRAN, )  
 CHRISTOPHER TOWNSEND, )  
 and STEVEN KING, )  
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*Petitioners,* )  
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 v. )  
 )  
 MERRICK B. GARLAND, in his )  
 capacity as United States Attorney )  
 General, )  
 )  
*Respondent* )

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**DECLARATION OF STEVEN KING IN SUPPORT OF PETITIONERS’  
EMERGENCY MOTION FOR INJUNCTION PENDING  
SUPREME COURT REVIEW**

I, Steven King, declare as follows:

- 1. I make this declaration from personal knowledge.
- 2. I incorporate by reference the facts stated in my June 17, 2024 declaration.
- 3. If the Act, which bans TikTok in the United States, takes effect in January 2025, it will have immediate and severe consequences on me, my family, and my community.

4. If the ban takes effect, I would be devastated to lose the community that I have found and fostered on TikTok. As described further in my original declaration, I create content on TikTok that is not only entertaining but also deeply personal, and I have connected with countless followers and fellow creators over topics of great importance to me—such as my experience as a gay man in Arizona, my challenging childhood involving living in a juvenile institution and boys' homes, and my sobriety journey.

5. The TikTok format allows me to express myself authentically and share these vulnerable stories in a way that I have not found on other social media. It is an honor and a privilege to be able to inspire others with my experiences or give them a glimmer of hope when they're in a dark place. Losing the ability to speak to and engage with this community—even for a temporary period of time—would be very difficult. You never know when a kind word or inspiring message can make a big difference for someone.

6. If the Act takes effect, I would not only be unable to create content on TikTok and speak to my followers, but I would also be unable to consume content. This would greatly impact me as I get all of my news

from TikTok, by following certain local and international journalists on TikTok whom I trust to produce unbiased and authentic news. The loss of these sources of information, especially during a time like January 2025 when the U.S. government is changing administrations, would be very detrimental to me and other Americans.

7. In addition to the loss of community and information, a TikTok ban would be financially devastating to me. I make almost all my income from TikTok, including from the TikTok Creator Rewards Program, LIVE videos, and brand deals. Thus, if TikTok is banned, I would immediately lose my career and the ability to financially support myself as a creator. I would also lose my ongoing partnerships with third parties that rely on my ability to share content with my 6.8 million TikTok followers. As described further in my original declaration, I have not been able to build the same community on other social media platforms, nor have I been able to monetize my content to the same extent.

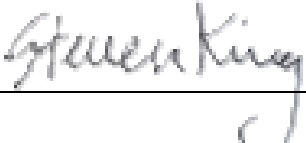
8. The thought of no longer being able to work as a full-time creator fills me with sadness and anxiety. When I worked in healthcare administration, I always felt that my creative side was not being fulfilled,

and I longed for an outlet for self-expression. I was so grateful when I discovered that my TikTok content was resonating with the public to the point that I was able to amass millions of followers and eventually quit my job to pursue my passion of creating content full-time. TikTok completely changed my life and opened up my world. The idea that the government could wipe away years of my hard work and force me back to square one—even before the conclusion of the judicial process—terrifies me.

9. I urge the Court to grant our emergency motion for an injunction pending appeal and protect our access to TikTok throughout this judicial process.

I declare under penalty of perjury that the foregoing is true and correct.

Signed in Buckeye, Arizona this 9th day of December, 2024.



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Steven King

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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BRIAN FIREBAUGH, CHLOE )  
 JOY SEXTON, TALIA CADET, )  
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 General, )  
 )  
 ) *Respondent.* )

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**DECLARATION OF TIMOTHY MARTIN IN SUPPORT OF  
PETITIONERS' EMERGENCY MOTION FOR INJUNCTION  
PENDING SUPREME COURT REVIEW**

I, Timothy Martin, declare as follows:

1. I make this declaration from personal knowledge.
2. I incorporate by reference the facts stated in my June 17, 2024 declaration.
3. If the Act, which bans TikTok in the United States, takes effect as scheduled on January 19, 2025, it will significantly and immediately impact me and my community.

4. My one million followers on TikTok rely on me for positive, uplifting, and informative content about college and professional sports, especially American football, which I will no longer be able to share if the Act takes effect. Nor would I be able to converse with or receive information from all of the wonderful connections I have made through the app—including many former athletes who, like me, turned to creating content on TikTok to rediscover their voices after they stopped playing sports. The loss of this community would be devastating.

5. Additionally, if the ban takes effect as planned, I would lose the opportunity to cover specific sporting events in early 2025. For example, I expect to cover the NFL playoffs and the Super Bowl over TikTok, which take place in January and February of 2025. A prominent university has also asked me to come visit campus in the spring and promote their football team over TikTok—a project I was really looking forward to because of my passion for college football. If the ban takes effect, I will lose both the experiences and the income that these exciting opportunities would have afforded me.

6. Even though the ban is not yet in place, I have already noticed that companies and sponsors are less likely to enter into long-

term contracts that might be impacted by a ban. For example, by this time last year, I was already having discussions with third parties about covering March Madness on my TikTok channel, but this year, there has not been similar outreach.

7. I will suffer significant financial losses if the ban takes effect. I have been able to earn as much as \$4,000 to \$5,000 each month because of my TikTok videos, which on average, more than doubles the income that I am able to make as a new college football coach. This income stream would disappear immediately if TikTok is banned in January.

8. I would not be able to make this same income—or more importantly, create the same community—on another app. As explored in more detail in my opening declaration, I have tried posting the same content on Instagram and YouTube, but have not had anywhere near the same success in terms of generating followers or income. I have approximately 100 times more followers on TikTok than these other apps.

9. Without the same community or financial benefits, I may stop creating content on social media entirely.



10. I urge the Court to grant our emergency motion for an injunction pending appeal and protect our access to TikTok throughout this judicial process.

I declare under penalty of perjury that the foregoing is true and correct.

Signed in Mayville, North Dakota this 9th day of December, 2024.

A handwritten signature in black ink, appearing to read 'Timothy Martin', written over a horizontal line.

Timothy Martin

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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 MERRICK B. GARLAND, in his )  
 capacity as United States Attorney )  
 General, )  
 )  
 ) *Respondent.* )

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**DECLARATION OF CHLOE JOY SEXTON IN SUPPORT OF  
PETITIONERS' EMERGENCY MOTION FOR INJUNCTION  
PENDING SUPREME COURT REVIEW**

I, Chloe Joy Sexton, declare as follows:

1. I make this declaration from personal knowledge.
2. I incorporate by reference the facts stated in my June 18, 2024 declaration.
3. If the Act, which bans TikTok in the United States, takes effect in January 2025 as planned, it will have an immediate and devastating impact on me, my family, and my community.

4. If the ban takes effect, I would lose the incredible community that I have found on TikTok. This community has supported me emotionally through some of my life's greatest challenges, including the death of my mother; provided me with useful knowledge and information, such as regarding parenting and grief; and made me laugh when I needed it the most. I worked very hard to build this community, and cannot replicate it on other platforms, as I have already tried and failed to do. Losing this community—whom I currently interact with through TikTok on a daily basis—would create an irreplaceable void in my life.

5. In addition to losing this invaluable community, a TikTok ban would destroy my business. I rely almost entirely on TikTok to market my cookie business, because I found that traditional marketing and other social media apps did not successfully promote my products. As detailed further in my original declaration, despite posting the exact same videos about my cookies on TikTok, Instagram, and Facebook for about a year, the videos performed vastly better on TikTok and reached multitudes more people. There is simply no replacement for TikTok as a free platform where I can speak to millions of people about my cookies and

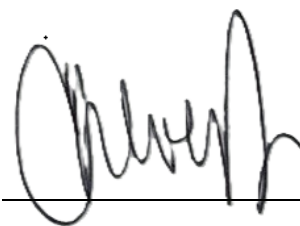
also about personal details of my life that generate interest in my company and increase brand loyalty.

6. As the owner of a small business, I do not have the capital needed to effectively promote the company through traditional marketing streams to anywhere near the same level that TikTok affords me for free. As a result, even if TikTok was banned for only a few months, I do not believe that my company could survive without it.

7. I urge the Court to grant our emergency motion for an injunction pending appeal and protect our access to TikTok throughout this judicial process.

I declare under penalty of perjury that the foregoing is true and correct.

Signed in Memphis, Tennessee this 9th day of December, 2024.

A handwritten signature in black ink, appearing to read 'Chloe Joy Sexton', written over a horizontal line.

Chloe Joy Sexton

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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BRIAN FIREBAUGH, CHLOE )  
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*Respondent.* )

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DECLARATION OF KIERA SPANN IN SUPPORT OF PETITIONERS’  
EMERGENCY MOTION FOR INJUNCTION PENDING  
SUPREME COURT REVIEW

I, Kiera Spann, declare as follows:

1. I make this declaration from personal knowledge.
2. I incorporate by reference the facts stated in my June 18, 2024 declaration.
3. If the Act, which bans TikTok in the United States, takes effect as scheduled on January 19, 2025, it will severely harm me and the communities that I support.

4. TikTok has played a significant role in my life largely because of the community of domestic violence and sexual assault survivors that it has fostered. As a survivor of assault myself, this topic is very important to me. As explained further in my opening declaration, I have engaged with this TikTok community of survivors from all over the world to share experiences, learn, promote reform, and advocate for change.

5. If the Act takes effect in January and TikTok is banned, this community will dissolve. We cannot simply move to another social media app. Some other apps make it very difficult to talk about sexual assault by flagging such videos as violating community standards or terms of service—even when they are not graphic or descriptive. This makes it all but impossible to create an organic community among survivors where they can process their experiences without having to resort to code words or self-censorship. Additionally, numerous survivors have told me that they find it easier to anonymously participate in these sensitive conversations on TikTok instead of forums like Instagram or Facebook where one's profile is tied more strongly to one's families, friends, and personal identities. When it comes to the survivor community, there simply is no replacement for TikTok.

6. The loss of this community—even for a few months—would be devastating. People experience domestic violence and sexual assault every day and look to the TikTok community as a place of understanding, support, resources, and refuge. Additionally, even a temporary ban on TikTok would significantly curtail our community’s efforts to promote policy changes by universities and state and local legislatures to protect survivors—changes that I have seen TikTok play a direct role in accelerating. Activism in the survivor community—like most activism—is most effective when it is timely, direct, and concrete. Even a temporary ban would damage my community because activism in August will not effectively address sexual assaults occurring in January or February.

7. In addition to the horrible loss of this community, my personal speech and expression would also be immediately and irreparably harmed if the Act takes effect. I regularly use my TikTok account to reach my over 771,000 followers—an audience more than 60 times larger than my next largest following (12,100 followers on Instagram). One of the topics I often discuss on TikTok is political news—for example, I closely covered every state’s result from the U.S. presidential election this fall, as well as a significant number of other important down-ballot

races. If TikTok is banned starting on January 19, 2025, I will be unable to reach my TikTok followers—including to discuss timely and relevant topics such as the Inauguration of President-Elect Donald Trump on January 20, 2025, and the ensuing changes in the administration. I will also lose the ability to obtain news on TikTok during this period of transition—which would greatly impact me as I consider TikTok to be one of the most authentic sources of information. Even if the TikTok ban is eventually lifted, I will have permanently lost the ability to timely react to, comment upon, and learn about these historical events with the audience and community of my choice.

8. In addition to political content, I also post a lot of book reviews on my TikTok account and love to engage with my followers about what we are currently reading. I would be deeply saddened to lose access to this remarkable community of fellow booklovers.

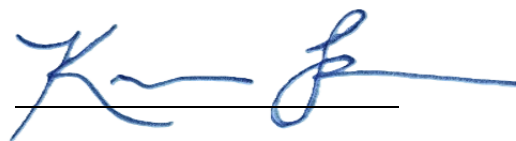
9. Finally, I make approximately half of my income from creating videos on TikTok (either through the Creator Rewards Program or brand deals). Although my first priority has always been helping to grow and strengthen my community, if TikTok is banned, I will immediately lose approximately half of my income stream.



10. I urge the Court to grant our emergency motion for an injunction pending appeal and protect our access to TikTok throughout this judicial process.

I declare under penalty of perjury that the foregoing is true and correct.

Signed in Charlotte, North Carolina this 9th day of December, 2024.



Kiera Spann

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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BRIAN FIREBAUGH, CHLOE )  
 JOY SEXTON, TALIA CADET, )  
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 v. )  
 )  
 ) MERRICK B. GARLAND, in his )  
 ) capacity as United States Attorney )  
 ) General, )  
 )  
 ) *Respondent* )

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**DECLARATION OF CHRISTOPHER TOWNSEND IN SUPPORT OF  
PETITIONERS' EMERGENCY MOTION FOR  
INJUNCTION PENDING SUPREME COURT REVIEW**

I, Christopher Townsend, declare as follows:

1. I make this declaration from personal knowledge.
2. I incorporate by reference the facts stated in my June 17, 2024 declaration.
3. If the Act, which bans TikTok in the United States, takes effect in January 2025, it will severely impact me, my family, and my community.

4. I primarily use TikTok to carry out the mission of my non-profit: to encourage a deeper understanding of the Bible and its relevance in our lives and to inspire a lifelong love of learning and exploration of Christian faith. TikTok has been the most effective means of communicating those messages, and I have been able to reach far more people through TikTok than any other platform. Losing the ability to share God's words with others—particularly with new followers—even for a limited amount of time, would be highly detrimental to the community we serve and to our mission of increasing biblical literacy and knowledge of Christian teachings.

5. I also use TikTok to discuss political issues from my perspective as a conservative and a veteran. Over the past few months, I have created a lot of content regarding the race for the U.S. presidential election, in particular, campaigning for the Republican party and the now President-Elect Donald J. Trump. I attended campaign rallies around the country and posted coverage to TikTok—some of which was later picked up by news outlets. I also posted videos explaining my political opinions or interviewing others about the presidential race. I plan to communicate further with my 2.6 million TikTok followers regarding the

Inauguration of President-Elect Trump and his incoming administration—which would be rendered impossible if the app is banned on January 19, 2025, as currently scheduled. As a veteran, I feel that losing the ability to speak about my political views on the platform of my choice would be a gross violation of my First Amendment rights.

6. I also use TikTok to share my work as a musical artist. As explained further in my original declaration, I have found TikTok to be the best platform to promote my music—far better than other social media apps in terms of its format and reach. TikTok also allows me to collaborate with other musical artists through “duets” and other methods—enabling a valuable creative process. Without TikTok, my music will undoubtedly reach fewer people and gain less traction.

7. A TikTok ban would thus affect me and my family financially, as one of our main sources of income is the money I earn each month from music streams. The volume of these music streams on other platforms depends largely on my ability to promote and share my music on TikTok, because, in my experience, people are more likely to stream music they have heard about. Because the success of my music is dependent on my ability to share it on TikTok, even a temporary ban of the app would

damage my income and my music career. This is especially true because I am planning to release new music in January 2025, which coincides with when the Act is scheduled to take effect. Not being able to promote my new music on the most effective platform for music-sharing would be devastating.

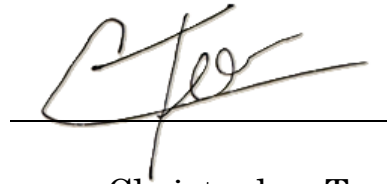
8. My family and I would also be financially affected by a TikTok ban because I currently earn substantial income on TikTok through the Creator Rewards Program and some brand partnerships—all of which would evaporate if the Act takes effect. I have worked hard to develop my TikTok content and my community of 2.6 million followers on the app. The idea that the government could take it all away from me—even before the judicial process is concluded—is troubling.

9. TikTok has brought great value to my life—not just financially, but also because it allows me to express myself and share ideas with others to an extent that I have not experienced on any other platform. For the reasons explained further in my original declaration, based on my experience, I do not think it would be possible to replicate my TikTok network elsewhere. Even a temporary ban would bar me and other creators from a critical space for expression and free speech.

10. I urge the Court to grant our emergency motion for an injunction pending appeal and protect our access to TikTok throughout this judicial process.

I declare under penalty of perjury that the foregoing is true and correct.

Signed in Philadelphia, Mississippi this 9th day of December, 2024.

A handwritten signature in black ink, appearing to read 'CTownsend', is written over a horizontal line.

Christopher Townsend

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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BRIAN FIREBAUGH, CHLOE )  
 JOY SEXTON, TALIA CADET, )  
 TIMOTHY MARTIN, KIERA )  
 SPANN, PAUL TRAN, )  
 CHRISTOPHER TOWNSEND, )  
 and STEVEN KING, )  
 )  
 ) *Petitioners,* )  
 )  
 v. )  
 )  
 ) MERRICK B. GARLAND, in his )  
 ) capacity as United States Attorney )  
 ) General, )  
 )  
 ) *Respondent* )

---

DECLARATION OF PAUL TRAN IN SUPPORT OF PETITIONERS'  
EMERGENCY MOTION FOR INJUNCTION PENDING  
SUPREME COURT REVIEW

I, Paul Tran, declare as follows:

1. I make this declaration from personal knowledge.
2. I incorporate by reference the facts stated in my June 18, 2024 declaration.
3. If the Act takes effect in January 2025 as planned and TikTok is banned in the United States, it will immediately and disastrously affect me, my family, and my community.

4. As described in my original declaration, my wife and I worked very hard to launch our skincare company and to create products that we believe in. This company means so much to us, and we have made significant sacrifices to maintain it.

5. We currently sell approximately 90% of our products through TikTok Shop (TikTok's integrated e-commerce solution that allows sellers to sell products directly on the platform), and almost all of our marketing is through TikTok. In particular, we work with about 2,000 TikTok "affiliates" who create videos about our products in exchange for a share in our revenue.

6. If TikTok is banned in January, our business may fail. We would have to completely restructure how we sell and market our products, and based on our experience, we would not be able to find any remotely comparable alternatives to TikTok. Indeed, one of the reasons we have relied so much on TikTok is because we previously struggled to market our products through traditional advertising and other social media apps—and failed to reliably sell our products through Amazon or other websites. Nothing comes close to TikTok in terms of our ability to



share and sell our products to large numbers of people, including new viewers who are likely to be interested in skincare.

7. I am also concerned about the ban's effect on TikTok affiliates with whom my wife and I have worked closely for years. Some of them have become good friends and a TikTok ban would eliminate a source of their income overnight.

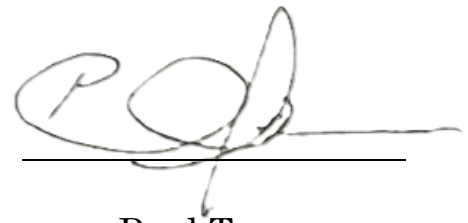
8. Even if TikTok was only banned for a few months, our business would be severely impacted, and may not recover. Aside from the fact that we would have to undergo the time and expense of moving our marketing and sales to other (far less effective) platforms—only to then move them back if the ban was repealed—we would also be unable to promote the launch of some new products that we are currently developing and intend to sell starting in the spring of 2025.

9. While the financial losses would be devastating, the loss of our community following a TikTok ban would be just as harmful. My wife and I have connected with TikTok users and creators all over the world over our love of skincare, and truly cherish what we have built together. Losing those connections, even temporarily, would be very isolating.

10. I urge the Court to grant our emergency motion for an injunction pending appeal and protect our access to TikTok throughout this judicial process.

I declare under penalty of perjury that the foregoing is true and correct.

Signed in Atlanta, Georgia this 9th day of December, 2024.

A handwritten signature in black ink, appearing to read "Paul Tran", is written over a horizontal line. The signature is stylized and cursive.

Paul Tran

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

<p>BASED POLITICS, INC., <i>Petitioner,</i></p> <p>v.</p> <p>MERRICK B. GARLAND, in his official capacity as Attorney General of the United States, <i>Respondent.</i></p>	<p>No. 24-1183</p>
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**DECLARATION OF HANNAH COX IN SUPPORT OF  
EMERGENCY MOTION FOR INJUNCTION PENDING  
SUPREME COURT REVIEW**

I, Hannah Cox, declare as follows:

1. I make this declaration from personal knowledge.
2. I am the president and co-founder of BASED Politics, Inc. (“BASED Politics”), the Petitioner in the above-captioned case.
3. BASED Politics, Inc. is a Georgia 501(c)(3) nonprofit corporation.
4. A central part of BASED Politics’s mission is to reach members of “Gen Z”—particularly users under 25 years old—with social media content that promotes free markets and individual liberty.

5. BASED Politics publishes its content on various internet platforms, including TikTok, primarily through the accounts of its founders, namely journalist Brad Polumbo and myself.

6. My TikTok account has approximately 59,500 followers.

7. My TikTok videos on topics such as systemic racism and the gender pay gap have reached hundreds of thousands, and as many as one million, people at a time.

8. I consider the ability to comment contemporaneously on current events on TikTok to be essential to BASED Politics's efforts to participate in and influence public discourse.

9. I often comment on the President's State of the Union address and would like to comment on the ideas in the President's inaugural address in a TikTok video as soon as possible after it occurs on January 20, 2025.

10. I also will want to comment contemporaneously on the actions the Trump administration takes (or refrains from taking) in the days and months after the inauguration, such as implementation of tariffs, follow-through on threats related to release of hostages in the Middle East, cuts the Department of Government Efficiency may make,

confirmation of nominees to cabinet positions, and the potential abolition of the Department of Education.

11. I expect that, in the days and months after the inauguration, BASED Politics and I will want to comment contemporaneously on TikTok about other actions taken or not taken by the Trump Administration, which I cannot predict at this time.

12. I consider TikTok essential to communicate with BASED Politics's target audience of members of Gen Z. I do not know of any other way that BASED Politics could reach the same audience, or even a comparable audience. As I stated in my previous declaration in this case, I have found it easier to gain a following—and therefore to spread BASED Politics's ideas—on TikTok than on Instagram, where I have about 37 percent as many followers, even though I have been using that platform for more than a decade. If TikTok is banned, BASED Politics would lose its ability to reach its target audience, and would not be able to reconstitute that audience on other platforms.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 7<sup>th</sup> day of December, 2024.

*Hannah Cox*

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Hannah Cox



dated October 23, 2024, available at:

[https://www.nytimes.com/2024/10/23/arts/trump-harris-tiktok-](https://www.nytimes.com/2024/10/23/arts/trump-harris-tiktok-accounts.html)

[accounts.html](https://www.nytimes.com/2024/10/23/arts/trump-harris-tiktok-accounts.html). Unless otherwise specified, my office obtained a copy of the exhibits to my declaration, including this article, by visiting the websites listed in each paragraph.

3. Attached as Exhibit 2 is a true and correct copy of an article titled *The Election Has Taken Over TikTok* and dated October 21, 2024, available at:

<https://www.nytimes.com/interactive/2024/10/21/business/media/2024-election-tiktok-trump-harris.html>.

4. Attached as Exhibit 3 is a true and correct copy of a document posted by President-Elect Donald Trump's account @realDonaldTrump on the social media platform Truth Social on December 5, 2024, available here:

<https://truthsocial.com/@realDonaldTrump/posts/113602256512034876>.

5. Attached as Exhibit 4 is a true and correct copy of an article titled *Trump Raises TikTok's Hopes for a Rescue in the United States* and dated November 12, 2024, available at

<https://www.nytimes.com/2024/11/12/technology/trump-tiktok-ban.html>.



I declare under penalty of perjury that the foregoing is true and correct.

Signed in Seattle, Washington this 9th day of December, 2024.

*/s/ Ambika Kumar*

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Ambika Kumar

# **EXHIBIT 1**

## CRITIC'S NOTEBOOK

# TikTok Campaign Styles: Harris Remixed, Trump Filtered

Both campaigns are flooding the social network, in a project that's both goofy and high-stakes: turning their candidates into influencers.



Listen to this article • 8:21 min [Learn more](#)

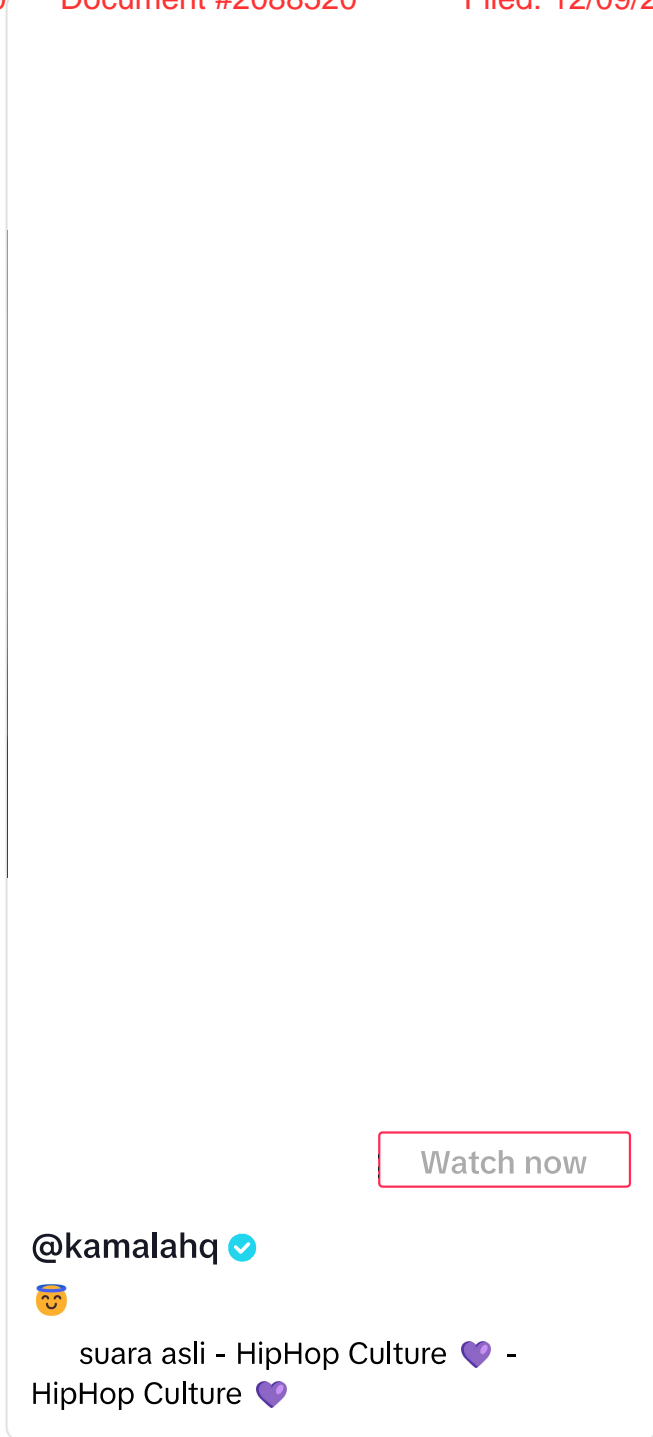


By **Amanda Hess**

Oct. 23, 2024

Earlier this month, Kamala Harris appeared on “60 Minutes.” Bill Whitaker asked her what kind of gun she owns. “I have a Glock,” she replied. When he asked if she had fired it, she laughed and said, “Of course I have.”

The next day, Harris reposted a clip of the exchange to her personal TikTok account, @kamalaharris. Then the Harris campaign posted a remix of the moment to its own TikTok account, @KamalaHQ. That version recast the clip in the style of a fan edit: Harris’s answers were spliced with flickering images of her appearing cool and unbothered throughout her career, sound tracked to the rapper Key Glock’s “Ambition for Cash.”



Harris’s campaign releases content on TikTok from these two accounts: @kamalaharris, the buttoned-up personal account, and @KamalaHQ, the looser campaign operation. While the personal account churns out safe, presidential images of Harris — clips from her rallies and mainstream media interviews, footage from her meetings with firefighters and friendly Republicans — the campaign account filters her raw materials through the eye of a zealous online supporter.

The Trump camp, too, manages dual TikTok accounts: the personal account, @realdonaldtrump, and the campaign account, @teamtrump. The @teamtrump TikTok operation can be aesthetically indistinguishable from that of @KamalaHQ; it posts new Trump campaign ads with emergency-light emojis and promotes clips of Harris interviews shaved down to contextless, humiliating micro-moments. Trump's personal account, however, takes a different approach from Harris's.

While the Harris account presents her largely as a media figure filmed from afar, with occasional behind-the-scenes glimpses shot in a vérité style, Trump assumes the posture of an online influencer, walking right up to the camera and addressing his audience directly. Even as Trump's approach fits more snugly into the TikTok aesthetic, his rambling one-man show also feels forced into compliance here, producing uncannily boring offerings that nevertheless can rack up tens of millions of views.

Turning candidates into influencers and memes is both goofy and high-stakes: In an election so close, scales could be tipped by turnout among younger Americans, many of whom get their news from TikTok.

Harris's presidential campaign kicked off in July with a flurry of supporters' memes about context and coconuts, a brat-green content engine powered by the giddy tumult of President Biden's withdrawal and Harris's surprise ascent. That poppy online energy has slowed, but not at @KamalaHQ, which continues manufacturing daily vibes in the style of a monomaniacal supporter.

The Harris campaign itself has assumed the role of a Harris superfan — boosting its own messaging, layering it with meta-analysis and recasting it through the internet's dominant cultural modes (fan edits, meme forms, fire emojis). Often, the account will repost a slice of a Harris speech or interview with a caption like “VP Harris just COOKED Trump” or “Vice President Harris came with the receipts,” throwing in a coy emoji for emphasis.

These comments rarely reveal much beyond a Harris staffer's working proficiency with Gen Z slang. But when they are applied to the black spaces above a landscape-oriented television clip, they suggest that the moment is so compelling

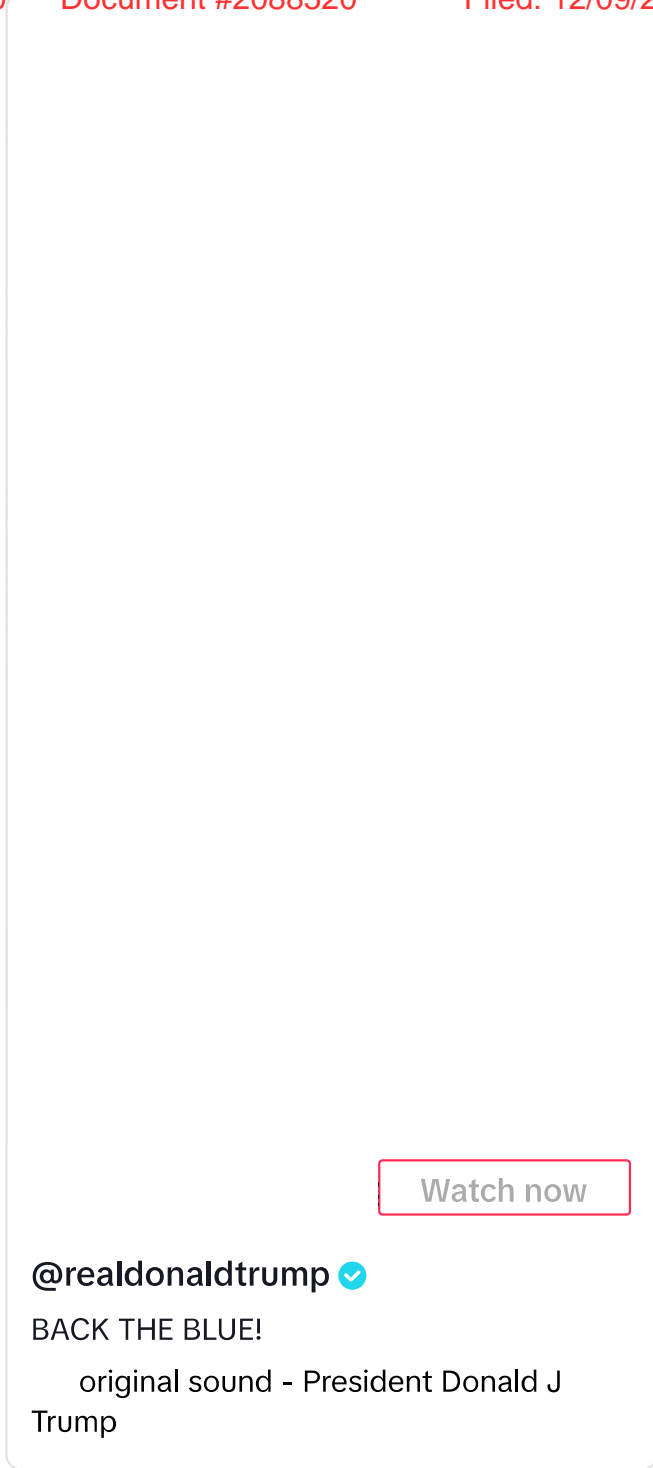
that it has been urgently scraped for TikTok and passed along. (On

@kamalaharris, clips pulled from television are typically edited to fit TikTok's vertical orientation.) The effect suggests that Harris's campaign materials are always already leaping into viral status, even when the clips themselves are unexceptional.

In another typical @KamalaHQ offering, young Harris staffers pop up in front of the app's green-screen effect, where they play the role of campaign influencers, lip-syncing to trending audio and monologuing about Trump's latest rally or what they contend are his campaign's ties to Project 2025. Much like the campaign surrogates who appear on the television news, these staffers repeat campaign talking points and radiate positive vibes; one difference is that on TikTok, the star staffers remain largely unidentified. They appear instead as a rotating cast of anonymous youthful faces, who exist to boost the image of the campaign as generally appealing to young people — so appealing that a group of them would plausibly spend their time on TikTok rhapsodizing about Harris's hurricane response.

On the Trump campaign's accounts, it is Trump himself who appears as the lone star, though supporting players like professional wrestlers occasionally appear. On @realdonaldtrump, we find Trump on a private plane, presenting a chart on U.S. immigration as if anchoring a presidential infomercial. We see him evangelizing on a factory floor, eulogizing the "beautiful jobs" that he says Harris has "destroyed," then popping out of a vacant McDonald's drive-through window, dramatizing his baseless claim that Harris never worked at McDonald's in her youth.

Like any dedicated content creator, he posts collaborations with other popular TikTokers; he has posed with the Puerto Rican rapper Anuel AA (6.2 million TikTok followers) in front of his armored car and fake sparred with the influencer and boxer Jake Paul (18.1 million followers) at a cryptocurrency conference. And, like a prop comic, he brings accessories: a little boy's birthday present wrapped in MAGA-red ribbon; a pair of handcuffs signaling his plan to reform our "nation in decline."



Trump’s personal account is the most popular of the campaign. Though @teamtrump has amassed only 2.8 million followers for its campaign meme operation (compared with the 4.8 million fans of @kamalahq), @realdonaldtrump is followed by 12.1 million (compared with the 6.1 million followers of

@kamalaharris). There is a sense of intimacy — or a thirstiness — to Trump’s approach. He is starring in the kind of TikTok performances that lower-level staffers execute on Harris’s behalf.

While the Harris campaign positions her as the polished professional who inspires meme creation from her dedicated fans, Trump himself represents online content’s chaotic appeal. The layers of artifice come pre-baked in his persona, the self-referential discursiveness threaded into his conversation style.

And yet there is a torpidity to his actual performances, which feel clipped and canned. You get the sense that the staffer behind the camera is straining to keep him on message, talking about jobs and grocery bills. There’s no time for him to drift into the unscripted digressions that are a feature of his hourslong rallies, during which he has praised “the late, great Hannibal Lecter” and remarked on the size of Arnold Palmer’s penis.

Harris’s TikTok presence feels like one more platform her campaign can use to reveal her in her best light. Trump’s TikTok presence feels instead like a perfunctory offering, a stake in the ground around which a TikTok following can converge, projecting its pre-existing feelings and ideologies onto the content.

This is all a bid for younger voters, it seems safe to say. The Pew Research Center last month reported that 39 percent of adults under 30 regularly get their news from TikTok. Following a presidential candidate on TikTok is not exactly an endorsement of that politician. But in its own way, it signals a profound form of commitment. When you follow a campaign on TikTok, you are assenting to having your mindless social-media scrolling interrupted by the campaign’s messaging. And this choice resounds across the app. Every account you follow signals to TikTok’s algorithm that you are interested in seeing more content like it.

A political TikTok follow, then, signals a comfort with your worldview being tuned in the candidate’s direction, your social-media diet curated in accordance with their politics and style. Last week, Harris sat down with Bret Baier of Fox News, using the television network to extend her reach to conservative viewers. But after the interview aired, it was converted into pure content, fresh images that could be



clipped and inscribed to appeal to either candidate's base. On @teamtrump, Trump supporters could watch a clip of Harris struggling to disarm Baier; on @kamalahq, Harris supporters could watch a clip of Harris handily owning Baier.

I'm not sure that will inform voters of much, or convince them of anything, but it does signal that the campaigns respect the app's users enough to keep showing up.

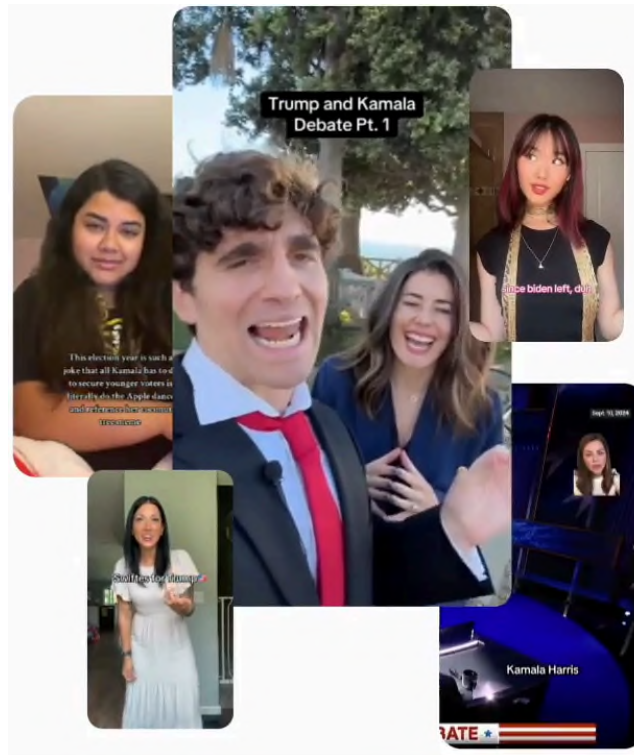
**Amanda Hess** is a critic at large for the Culture section of The Times, covering the intersection of internet and pop culture. [More about Amanda Hess](#)

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A version of this article appears in print on , Section C, Page 1 of the New York edition with the headline: Candidates Construct Messages For TikTok

# **EXHIBIT 2**

# The Election Has Taken Over TikTok.



## Here's What It Looks Like.

By Sapna Maheshwari and Madison Malone Kircher Oct. 21, 2024

Welcome to the TikTok election.

Every week, people post tens of thousands of videos on the app that mention Vice President Kamala Harris or former President Donald J. Trump, including election updates, conspiracy theories and dance routines. Those posts attract hundreds of millions of views — on par with the interest in hit shows like “Love Island” or the pop star Chappell Roan, according to Zelf, a social video analytics company — even though the videos represent just a slice of the content about the election on the app.

No two TikTok feeds are the same, because the app’s algorithm sends different videos to users based on their interests. To better understand the election content that’s reaching the app’s 170

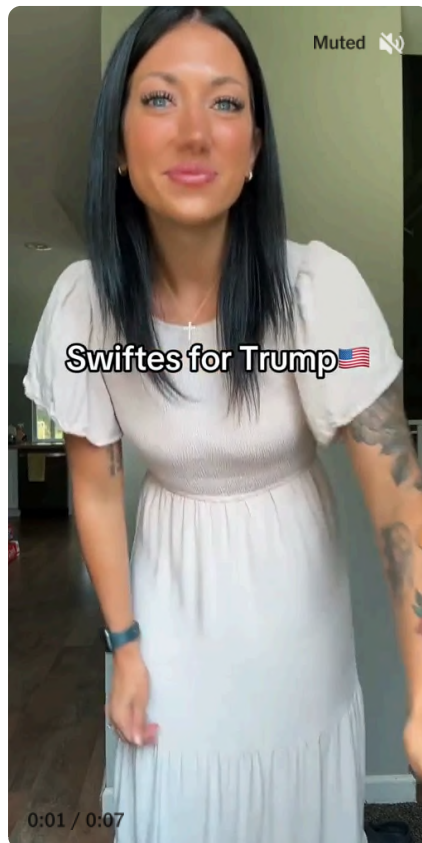
million American users, The New York Times watched hundreds of videos from creators across the political spectrum.

What emerged was not a single type of video. Everyday Americans, news outlets and political operatives have been trying to crack TikTok’s algorithm with a range of videos, including bombastic debate clips, songs made from speech snippets, comedic impersonations and solo diatribes.

Here is what many of them look like, and what some of the people behind them are trying to achieve.

## The Swifties

Even though Taylor Swift has announced she’ll be voting for Ms. Harris, TikTok users on both sides of the aisle use the pop star’s music for political content.

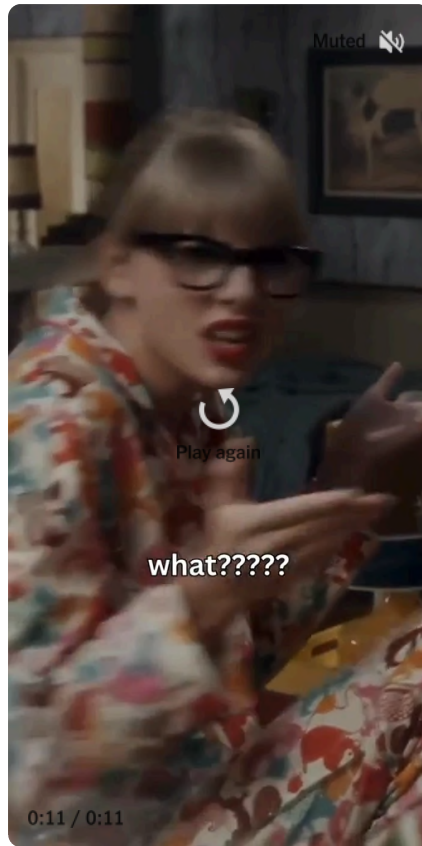


@kayleighhlynnn

Republican Swifties often tweak her lyrics. This user changed the words, "I'm feeling 22," to "I'm voting Donald Trump."



@thedebralea



@swifties4kamala

This clip riffs on the term "childless cat lady," which JD Vance, Mr. Trump's running mate, has used in a derogatory context. Ms. Swift used the term when she endorsed Ms. Harris.

## The Impersonators

Impersonators are a fixture of presidential elections — lucky are the “Saturday Night Live” stars who resemble candidates — and they’re all over TikTok, too. The app seems cannier than other platforms in funneling comedy videos to receptive viewers.

Austin Nasso, a 29-year-old comedian in New York City, regularly posts impressions of both Mr. Trump and President Biden.

“I’m trying not to deliberately choose sides in the content,” Mr.

Nasso said. “I’m trying to make fun of both of them.”



[@austinnasso](#)

Sam Wiles, a 37-year-old comedian and writer in Los Angeles, amassed 45,000 TikTok followers in one three-week period this summer with his exaggerated impressions of Mr. Vance. He said

the same videos hadn't received nearly the same attention on Instagram or X.



[@votesamwiles](#)

Mr. Wiles wears eyeliner in his videos, a reference to an online theory that the candidate has donned makeup.

Mr. Wiles said that his videos seemed to be reaching mostly liberal-leaning viewers and hadn't drawn many pro-Vance or pro-Trump comments.



“On TikTok, like minds can collect a little more, for good or bad,” he said. “I’m just finding people who like my stuff much more easily.”

Since 2019, Allison Reese, a 32-year-old comedian in Los Angeles, has cornered the social media market on impressions of Ms. Harris. A key element of her portrayal? Nailing the laugh.

Her impression of Ms. Harris is funny but often flattering. “I think she’s got a good head on her shoulders,” Ms. Reese told The Times earlier this year. “I don’t agree with everything, but who would?”



[@alienreese](#)

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# The Hamilton Liberals

The musical “Hamilton” is nearly a decade old and tells the story of politics in the United States from the centuries before that. Still, on TikTok, plenty of users on the left have found the show’s founding-father-inspired music a fitting vessel for explaining and debating the current election. The official Broadway cast also released a video last month urging voter registrations.



@jxaexo

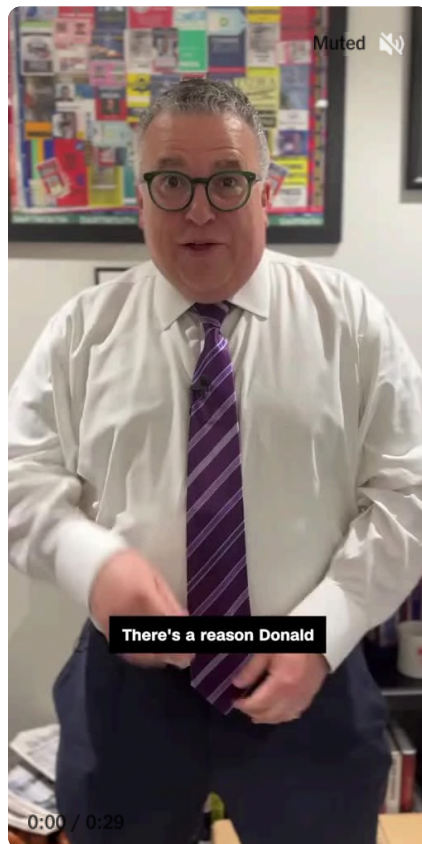


@ctrl\_cira

# The News Outlets

Established news outlets have largely been behind the curve on TikTok, where viewers often prefer colloquial videos from individual commentators over traditional news anchors speaking from behind a desk. But several outlets, including The Daily Mail, CNN and NBC News, have made strides this cycle by posting debate snippets, interview clips and their own analyses.

This CNN video shows how even formal news networks are taking their cues from TikTok. While many of the network's TikTok videos seem like excerpts from its TV programming, some of its biggest hits feel more organic and less slickly produced. David Chalian, CNN's political director, is still sharing poll results as he would on air, but from a very different environment.



@cnn

Mr. Chalian broadcasts from what appears to be a personal office rather than an anchor desk, giving the video a more relaxed feel.

A particular standout on TikTok has been The Daily Mail, the news site and British tabloid. It has amassed over 14 million followers with rapid-fire updates and short clips with punchy headlines: “Trump Hits Back At Obama” or “Harris Tells Oprah Intruders Are ‘Getting Shot.’” The publication often traffics in sensationalism, recently promoting a conspiracy theory about the attempted assassination of Mr. Trump in July and asking undecided Black voters to share the animals they associate with Ms. Harris and Mr. Trump.



Phil Harvey, the site's head of social video, said the outlet had recognized that being fast was essential: A couple of hours can be the difference between a post that breaks through and one that doesn't. The organization has about 20 "short-form video specialists," he said, split between journalists and "social creatives" who can navigate algorithms. Unlike traditional broadcasters, he said, "for us, every hook, every edit, every transition, every clip is structured to work on an algorithm."

NBC News has also experimented on its TikTok channel, condensing the 90-minute presidential debate between Mr. Trump and Ms. Harris into a single minute, and using the app's tools to overlay a video of one of its analysts onto debate footage.



@nbcnews

Efforts by traditional news outlets appear to be working. Eight of the 10 most viewed TikTok videos about the September debate were from mainstream news sources, according to Zelf data.

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## The Pundits

Political commentators on TikTok are a little different from their MSNBC and Fox News counterparts. They're more casual and accessible to their viewers, engaging with comments and answering questions.

Link Lauren, a 27-year-old political commentator who worked for Robert F. Kennedy Jr.'s campaign, has over 700,000 followers on TikTok, where his daily videos often refer to Ms. Harris as "Kalamamity" and criticize the "liberal media establishment." He likens his three- to four-minute posts to TV segments, where he dissects a news story from the day while projecting images and videos behind him.



[@itslinklauren](#)

Plenty of other creators operate using a TV-esque model, like V Spehar, known online as Under the Desk News, who has over three million followers. (The name is literal. Ms. Spehar, 42, got their start recording segments under a desk.) Spehar, whose content leans left, regularly posts multiple videos a day covering breaking news and updating stories, often wearing a suit like a traditional anchor.



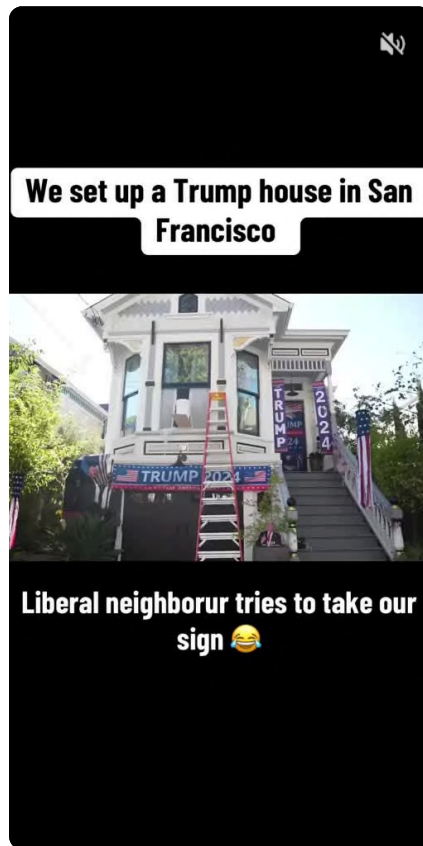


[@underthedesknews](#)

## The Manoverse

Mr. Trump's campaign has spent much of the year trying to court young men, and TikTok is rife with that demographic. The candidate has rallied support from a group of YouTube pranksters known as the Nelk Boys, as well as the Gen Z streamer Adin Ross, who was banned from the streaming site Twitch for hateful

content, and Jake and Logan Paul, the influencer brothers who have gone into professional boxing and wrestling. Bryce Hall, a TikTok creator who amassed more than 23 million followers by living in a party house with other social media stars, made a prominent endorsement of Mr. Trump recently after appearing on stage at one of his rallies.



@nelkboys

Putting a political spin on their usual pranks, the Nelk Boys covered a house in San Francisco with pro-Trump signs, then poured a bucket of water on someone who tried to steal one.

Videos featuring Mr. Trump have often made him appear more relatable.



[@brysondechambeau](#)

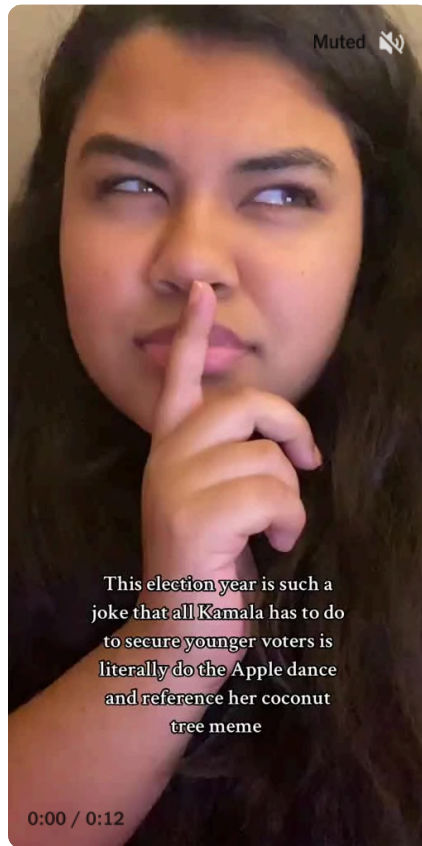
The professional golfer Bryson DeChambeau posted a video of his golf outing with Mr. Trump to YouTube. In shorter TikTok videos, he featured the outtakes.

Their meeting was to raise money for charity and not meant to be political, Mr. DeChambeau later said.

Of Mr. Trump, one user commented: “Bro seems so chill. He’s actually somebody I would want to hang around.” Another said: “I want him as my grandpa and not even because of the money. He just seems so damn nice.”

# The Dancers

Perhaps no genre is bigger on TikTok than dancing, which was cemented as a hallmark of the app in its nascent years. Now, though, dancing has evolved from pure entertainment to an attention-holding tactic as a viewer watches a video about a completely disparate and often weighty topic, like the presidential election. In some cases, people have remixed comments from candidates into songs.



[@ddpsarklez](#)



[@rawlinsness](#)

In this video, a TikTok user dances to a viral song created from a years-old comment by Mr. Vance saying he was a “never Trump guy.”



@knicolejena

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# The Candidates Themselves

This year, there are scores of politicians posting directly on TikTok. Representative Cori Bush, a Missouri Democrat, has an account, and so does the former Republican presidential candidate Vivek Ramaswamy. And while some of their posts repurpose popular memes, plenty of them are focused on politics.

For the first time ever, the major party presidential candidates are on TikTok, too. But Ms. Harris and Mr. Trump take decidedly different approaches to their content.

“Trump’s TikTok account is projecting this macro image of strength, potentially trying to appeal to younger men,” said Lindsay Gorman, the managing director of the technology program at the German Marshall Fund and a former tech adviser for the Biden administration. “In contrast, Harris’s strength comes across as female empowerment.”



[@realdonaldtrump](#)

Many of Mr. Trump’s videos show his public appearances set to dramatic, beat-driven music, lending them an air of intensity.





@teamtrump

Mr. Trump also finds moments for levity, often on his separate campaign account, @TeamTrump, to keep viewers paying attention.

Like Mr. Trump, Ms. Harris and her campaign also have two distinct accounts, one with a more formal feel and a second, @KamalaHQ, where her campaign lets loose.



[@kamalahq](#)

Ms. Harris's campaign uses lyrics from a 2008 Demi Lovato song to spotlight one of her signature fashion items: her Converse sneakers.



This emotional video has an air of informality to it, which tends to land better with TikTok viewers.

Additional images by Saul Loeb/Agence France-Presse — Getty Images; Joe Raedle/Getty Images; Anna Moneymaker/Getty Images, Win McNamee/Getty Images  
@kamalaharris

Produced by Rebecca Lieberman. Additional production by Gabriel Gianordoli.

# **EXHIBIT 3**



## ← Truth Details

Trending ▾



**Donald J. Trump**   
@realDonaldTrump

@realdonaldtrump
<b>14.6 MILLION FOLLOWERS</b> <i>1.5 million followers added since Election Day (+11%)</i>
<b>1.4 BILLION VIEWS</b> <i>225 million views added since Election Day (+19%)</i>

@teamtrump
<b>8.1 MILLION FOLLOWERS</b> <i>2.9 million followers added since Election Day (+57%)</i>
<b>2.4 BILLION VIEWS</b> <i>703 million views added since Election Day (+42%)</i>

COMBINED
<b>22.7 MILLION FOLLOWERS</b> <i>4.4 million followers added since Election Day (+24%)</i>
<b>3.8 BILLION VIEWS</b> <i>928 million views added since Election Day (+32%)</i>

### McDonald's Content Performance

- There have been **174 million views across 30,000 TikTok videos** referencing President Trump's McDonald's visit
- McDonald's visit videos posted directly by the campaign (@realdonaldtrump + @teamtrump) generated **5.5X MORE VIEWS ON TIKTOK (155M) vs Instagram Reels (28M)**

### Garbage Truck Content Performance

- There have been **148 million views across 3,600 TikTok videos** referencing President Trump's garbage truck event
- Garbage truck event videos posted directly by the campaign (@realdonaldtrump + @teamtrump) generated **5X MORE VIEWS ON TIKTOK (83M) vs Instagram Reels (17M)**

### Top Trump Hashtag Performance

HASHTAG	TOTAL VIEWS	VIEWS SINCE ELECTION DAY
#trump	34.5 BILLION	8 BILLION (+30%)
#donaldtrump	14.1 BILLION	3 BILLION (+27%)
#trump2024	9.7 BILLION	2 BILLION (+26%)
#trump2024	5.7 BILLION	2.1 BILLION (+57%)
#trumprally	1.4 BILLION	66 MILLION (+5%)





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# **EXHIBIT 4**

# *Trump Raises TikTok's Hopes for a Rescue in the United States*

When asked about whether President-elect Donald Trump would prevent a TikTok ban in the United States, a spokeswoman told The New York Times: “He will deliver.”



Listen to this article · 7:22 min [Learn more](#)



By Sapna Maheshwari

Nov. 12, 2024

TikTok, the Chinese-owned video app set to be banned in the United States in two and a half months, is hoping that President-elect Donald J. Trump will find a way to rescue it after a smattering of promises to that effect on the campaign trail this year.

Mr. Trump's team says he will “deliver” on those promises — though the details are hazy.

“The American people re-elected President Trump by a resounding margin, giving him a mandate to implement the promises he made on the campaign trail,” Karoline Leavitt, a spokeswoman for Mr. Trump and Vice President-elect JD Vance's transition team, said in a statement. “He will deliver.”

Mr. Trump's support for TikTok would be a stunning reversal from 2020, when he tried to block the app in the United States and force its sale to American companies because of its ownership by ByteDance, the Chinese tech giant.



A federal law signed in April says TikTok, which has 170 million U.S. users, must be sold to a non-Chinese company by Jan. 19 — a day before Mr. Trump's inauguration — or face a ban in the United States.

The company has challenged the law in courts in something of a Hail Mary, saying that a sale is impossible, partly because of restrictions from the Chinese government, and that a subsequent ban would violate the First Amendment.

But the law passed with wide bipartisan support, and many experts believe a federal court in Washington will side with the U.S. government.

The Trump team's comments followed a significant effort by TikTok to forge inroads with Mr. Trump's campaign this year. His spokeswoman did not address whether he would let ByteDance continue to own TikTok. The company declined to comment for this article.



TikTok's chief executive, Shou Chew, right, on Capitol Hill in March. Kent Nishimura for The New York Times

Mr. Trump publicly changed his stance on TikTok in March. Around that time, he met with Jeff Yass, a billionaire investor and Republican megadonor who owns a significant share of ByteDance, though Mr. Trump has said they did not discuss the company. Mr. Yass, a co-founder of the trading firm Susquehanna International Group, is one of the biggest supporters of the anti-tax lobbying group Club for Growth, which hired Kellyanne Conway, a former senior counselor to Mr. Trump, to lobby for the app in Washington.

TikTok has also sought a line into Republicans and the Trump campaign through Tony Sayegh, a former Treasury official in Mr. Trump's administration, according to two people familiar with the meetings who spoke on the condition of anonymity.

Mr. Sayegh, who leads public affairs for Susquehanna, has been viewed as friendly with the Trump family and was a core part of the Trump campaign's decision to join TikTok this summer, the people said. Mr. Trump was an instant hit on TikTok, where he now has 14.4 million followers. (The pop star Olivia Rodrigo has 22.8 million followers, while NBC News has 5.9 million.) Several members of his family, including Ivanka Trump, Donald Trump Jr. and his granddaughter Kai Trump, have also joined the app.

Mr. Sayegh regularly joined weekly strategy calls this year to advise Shou Chew, TikTok's chief executive; Zenia Mucha, its head of communications; and Michael Beckerman, its head of public policy for the Americas, according to the two people. He was also part of an April meeting in New York with a group that included those executives to discuss the app's future, right around the time that President Biden signed the law. Executives inside the company saw Mr. Sayegh's counsel as crucial to the company's relationship with Mr. Trump, they said. Mr. Sayegh declined to comment.

The app courted Democrats, too. Former Democratic strategists also worked for the company, including David Plouffe, who left to work for Vice President Kamala Harris's presidential campaign, the people said. And the prowess of the Harris campaign on TikTok, where the vice president amassed more than nine million followers, was widely lauded.

Inside TikTok, there has been little acknowledgment that the company might soon be banned in the United States, despite its thousands of employees here, according to four former employees who spoke on the condition of anonymity, citing nondisclosure agreements. Executives have, at times, made light of the possible ban, suggesting in one all-hands meeting that it would one day be the subject of a Hollywood film, three of the employees said.

Still, many experts and former employees are uncertain about how a Trump administration could alter TikTok's trajectory based on the text and fast-approaching deadline of the law — especially as the transition team announces new appointees who are hawkish on China. It would take an act of Congress to repeal the law, they said.

“Trump being elected improves the conditions for TikTok a little bit,” said Ian Tang, an analyst at Capstone, a policy research firm. “It’s still an uphill battle, and there will have to be some structural change for it to remain operating in the U.S.”

Mr. Trump could potentially ask his new attorney general to refrain from enforcing the law, said Alan Rozenshtein, a former national security adviser to the Justice Department and an associate professor at the University of Minnesota Law School. But that would put technology companies like Apple and Google in a tricky position. The law penalizes companies for distributing or updating TikTok on app stores, so the tech giants would have to put a lot of faith in the Trump administration's promise of nonenforcement.



Jacob Helberg with Senator JD Vance at the Trump 47 Jewish leadership event in New York in September. Mr. Helberg is a major supporter of the law targeting TikTok. Ilya S. Savenok/Getty Images for Jacob Helberg

Mr. Rozenshtein said that and a repeal from Congress were both unlikely.

The area where Mr. Trump could most likely intervene would involve the part of the law that gives the president the authority to determine whether ByteDance has done enough to remove TikTok from Chinese control, Mr. Rozenshtein said. ByteDance could make some changes that would offer Mr. Trump cover to declare that those demands were met, he said. Under the law, Mr. Trump might also be able to extend the deadline by three months if his administration believed there was “significant progress” toward a sale.

Jacob Helberg, a senior adviser to Palantir who promoted the law targeting TikTok and supports Mr. Trump, said he was confident that Mr. Trump would find a way to address the concerns around the Chinese ownership of TikTok while keeping the app operating in the United States.

“President Trump is going to bring a fresh approach to pursuing a divestiture,” Mr. Helberg said, adding that he was an “out-of-the-box” thinker.



The U.S. government has argued that TikTok's ownership makes it a national security threat, because the Chinese government could use the app to retrieve sensitive information about Americans, or to spread propaganda. The government has not offered public evidence that TikTok has made content decisions in the United States at the behest of Beijing.

The most immediate test for TikTok is its legal effort to overturn the ban, which is awaiting a decision from a three-judge panel in the U.S. Court of Appeals for the District of Columbia Circuit. Both TikTok and the Biden administration are expected to appeal the decision to the Supreme Court if it doesn't go their way, which could affect the Jan. 19 deadline. There is no guarantee, however, that the justices would take the case.

“It's still very uncertain for TikTok, but this is certainly the best outcome they could have hoped for,” Mr. Rozenshtein said.

**Sapna Maheshwari** reports on TikTok, technology and emerging media companies. She has been a business reporter for more than a decade. Contact her at [sapna@nytimes.com](mailto:sapna@nytimes.com). More about Sapna Maheshwari

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A version of this article appears in print on , Section B, Page 5 of the New York edition with the headline: Trump Will Stand Behind Campaign Vow to Help Save TikTok, Team Says