

# **EXHIBIT 1**

**RECEIVED**

**Sep 14 2026**

**S.C. SUPREME COURT**



State of South Carolina

In the Court of Common Pleas

County of Richland

Fifth Judicial Circuit

**Plaintiff(s):** The State of South Carolina ex rel. Alan Wilson, in his official capacity as Attorney General of the State of South Carolina, Plaintiffs

**Case Number.** 2024-CP-40-06018

**v.**

**Defendant(s):** TikTok Inc., TikTok LLC, TikTok PTE Ltd., TikTok, Ltd., ByteDance Inc., and ByteDance Ltd., Defendants.

**Pending in** Richland County

**SUBPOENA IN A CIVIL CASE**

**TO:** S.C. Office of the Governor  
ATTN: Grayson Lambert, Office of the General Counsel  
State House  
1100 Gervais Street  
Columbia, SC 29201

☐ YOU ARE COMMANDED to appear in the above-named court at the place and time specified below to testify in the above case.

**PLACE OF TESTIMONY:**

[Fill in Address or Location for  
Testimony] \_\_\_\_\_

**COURTROOM:** [Fill in Courtroom Name or Number] \_\_\_\_\_

**DATE:** [Fill in Testimony Date] \_\_\_\_\_

**TIME:** [Fill in Testimony Time] \_\_\_\_\_ [Fill in A.M. or P.M.] \_\_\_\_\_

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case. *See Exhibit A, attached hereto, Instructions and Topics of the Examination.*

**PLACE OF DEPOSITION:**

Nelson Mullins Riley & Scarborough LLP  
1320 Main Street, 17<sup>th</sup> Floor  
Columbia, SC 29201

**DATE:** [Fill in Deposition Date] September 1, 2026

**TIME:** [Fill in Deposition Time] 10:00am EST



**SOUTH CAROLINA  
JUDICIAL BRANCH**

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects): [Fill in List of Documents and / or Objects] \_\_\_\_\_

**PLACE:**

[Fill in Address or Location of Document / Object Production and Inspection] \_\_\_\_\_

**DATE:** [Fill in Document / Object Production & Inspection Date] \_\_\_\_\_

**TIME:** [Fill in Document / Object Production & Inspection Time] \_\_\_\_\_ [Fill in A.M. or P.M.] \_\_\_\_\_

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

**PREMISES:**

[Fill in Address or Location of Premises to be Inspection] \_\_\_\_\_

**DATE:** [Fill in Premise Inspection Date] \_\_\_\_\_

**TIME:** [Fill in Premise Inspection Time] \_\_\_\_\_ [Fill in A.M. or P.M.] \_\_\_\_\_

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED SHALL TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION.

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(a)(4) HAS BEEN GIVEN TO ALL PARTIES.

\_\_\_\_\_  
Attorney / Issuing Officer's Signature  
*Attorney for Defendants*

July 13, 2025  
Date

Merrit G. Abney, Esq.  
Print Name

Attorney's Address: Nelson Mullins Riley & Scarborough LLP  
PO Box 1806  
Charleston, SC 29402

Attorney's  
Telephone Number:

(843) 853-5200

\_\_\_\_\_  
Clerk of Court / Issuing Officer's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name



### **Proof of Service**

SERVED DATE \_\_\_\_\_

SERVED PLACE \_\_\_\_\_

FEES AND MILEAGE TO BE  
TENDERED TO WITNESS  
UPON DAILY ARRIVAL  
\_\_\_\_\_

[Fill in Yes or No]

TENDERED AMOUNT  
\_\_\_\_\_

[Fill in Tendered Amount in Dollars]

SERVED ON (PRINT  
NAME)  
\_\_\_\_\_

[Fill in Name of Person(s) or Entity Served]

MANNER OF SERVICE  
\_\_\_\_\_

[Fill in the Way Service was Completed]

SERVED BY (PRINT NAME)  
\_\_\_\_\_

[Fill in Name of Person Who Completed the Service]

TITLE  
\_\_\_\_\_

[Fill in Title / Position of the Person that Completed the Service]

### **Declaration of Server**

I certify that the forgoing information contained in the Proof of Service is true and correct.

\_\_\_\_\_  
Executed On [Fill  
in Execution Date]

\_\_\_\_\_  
Signature of Server

\_\_\_\_\_  
Server Address [Fill in Server Address]



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Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

**(c) Protection of Persons Subject to Subpoenas.**

**(1)** A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

**(2)(A)** A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

**(B)** Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

**(3)(A)** On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

**(i)** fails to allow reasonable time for compliance; or

**(ii)** requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

**(iii)** requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B)** If a subpoena:

**(i)** requires disclosure of a trade secret or other confidential research, development, or commercial information, or

**(ii)** requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

**(iii)** requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) Duties in Responding to Subpoena.**

**(1)(A)** A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.



**(B)** If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C)** A person responding to a subpoena need not produce the same electronically stored information in more than one form.

**(D)** A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(6)(B). The court may specify conditions for the discovery.

**(2)(A)** When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**(B)** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.

RE: THE STATE OF SOUTH CAROLINA, ex rel. Alan Wilson, in his capacity as Attorney General of the State of South Carolina v. TIKTOK INC., TIKTOK LLC, TIKTOK PTE LTD, TIKTOK, LTD, BYTEDANCE INC., AND BYTEDANCE LTD (Civil Action No.: 2024-CP-40-06018)

## **EXHIBIT A**

### **DEFINITIONS**

The following definitions, which have been included in alphabetical order for ease of reference, apply to each of the following Instructions and Topics for Examination. To the extent any definition references language used in the Complaint, the definition does not endorse or accept any allegation or characterization in the Complaint.

1. “Action” means the action captioned *State of South Carolina ex rel. Alan Wilson, in his capacity as Attorney General of the State of South Carolina v. TikTok Inc. et al.*, No. 2024-CP-40-06018, pending in the Court of Common Pleas, Fifth Judicial Circuit.
2. “Actions” means any formal legal action commenced by the Office of the Attorney General of South Carolina, Including Civil Investigative Demands issued by the Office of the Attorney General of South Carolina.
3. “Communication(s)” means any disclosure, transfer, or exchange of information or opinion, however made.
4. “Complaint” means the Complaint filed by the State of South Carolina against Defendants in this Action, Including the original complaint and any amended complaint that is permitted by the Court.
5. “Concerning” means relating to, referring to, describing, consisting of, comprising, showing, commenting on, tending to support or tending to refute, or in any way logically or factually connected with the matter that is the subject of the Topic of Examination (“Topic”).
6. “Defendants” means TikTok Inc., TikTok LLC, TikTok Pte. Ltd., TikTok, Ltd., ByteDance Inc., and ByteDance Ltd.
7. “Document(s)” means each and every writing or record, however produced or reproduced, whether draft or final, original or reproduction, paper or electronic, signed or unsigned, that is in Your possession, custody, or control or to which You otherwise have access, regardless of where located (e.g., paper, device, compact disk, computer disk and drive, etc.), Including any Communication (Including all forms of information transference written, oral, recorded, printed, typed or other graphic matter of any nature, or electronic, Including meetings, conferences, conversations, discussions, proposals, solicitations,

interviews, surveys, reports, articles, correspondence, text messages, all other electronic messages and notes, as well as memoranda and records of communications), correspondence, word processing files, records saved as .pdf or other electronic files, emails, instant messages, electronic information, data, letters, screenshots, screen time data or information, social-media communications, spreadsheets, graphs, drawings, images, presentations, application files, executable files, log files, mechanical and electrical sound recordings or transcripts of those recordings, disks, computer data, transcripts, clippings, memoranda of telephone or personal conferences or conversations, personal journals, telephone diaries, location information, search histories, journals, photographs, tape recordings, video recordings or posts, movies, other data compilations from which information can be obtained, all materials similar to any of the foregoing, and all other Documents and things subject to production under South Carolina Rules of Civil Procedure. All copies and versions of any Document that contain any notation, erasure, obliteration, marking, or writing of any kind different from the original shall be treated as an original Document. The term “Document(s)” Includes “ESI” as defined below.

8. “Electronically Stored Information” or “ESI” is used consistent with how the term is defined and construed under South Carolina law and Includes without limitation all electronic data stored in a medium from which information can be reasonably obtained.
9. “Including” or “Includes” means “including but not limited to,” and shall be interpreted without limitation so as to identify a non-exhaustive set of examples and to expand the meaning or interpretation of a term or question rather than limit any Topic to the specified examples.
10. “South Carolina Youth” means South Carolina residents under the age of 18.
11. “Mental Health” is used consistently with the term’s use in the Complaint.
12. “Person(s)” means any individual, corporation, firm, partnership, joint venture, unincorporated association, trade association, governmental entity, dealer group, council or other incorporated or unincorporated entity, business entity or group of individuals or entities, singular or plural, as the content may require.
13. “Platform(s)” means an online or application-based entertainment platform that offers functionality similar in material respects to TikTok and allows for the hosting and distribution of short form, user generated video content, including, for example, Facebook, Instagram, Roblox, Snapchat, X (formerly Twitter), and YouTube.
14. “Relating to” means and Includes referring to, concerning, referencing, mentioning, associated with, constituting, discussing, containing, embodying, recording, reflecting, identifying, summarizing, incorporating, or dealing with or pertaining to in any way.

15. “Relevant Time Period” means the time period from August 2, 2018 to the present.
16. “Third Party” or “Third Parties” means any Person other than Plaintiff or Defendants, as well as any current or former employee, officer, appointee, representative, or agent of any such Person.
17. “TikTok” or the “TikTok Platform” means the online entertainment platform, which is provided by TikTok Inc. in the United States.
18. “You,” or “Your” means the South Carolina Office of the Governor, Including the South Carolina Office of the Governor’s officials, directors, departments, divisions, commissions, agents, boards, instrumentalities, administrators, and other Persons or entities acting on behalf of the South Carolina Office of the Governor, or under its direction, authorization, or control.

### **INSTRUCTIONS**

1. This notice is governed by Rule 30(b)(6) of the South Carolina Rules of Civil Procedure, and the applicable provisions of the Protective Order in this Action.
2. Pursuant to Rule 30(b)(6) of the South Carolina Rules of Civil Procedure, You shall produce one or more individuals to testify on Your behalf. The representative or representatives produced shall testify on Your behalf concerning the topics identified below as the Topics for Examination. The designated representative must testify about information known or reasonably available to You.
3. To the extent Your designated representative or representatives review or rely upon Documents not produced in this Action in preparing to testify concerning the Topics for Examination, You shall produce such Documents no later than 48 hours before such representative or representatives appear.
4. Unless otherwise specified, the Relevant Time Period pertaining to the Topics for Examination is August 2, 2018 to the present.
5. These Topics for Examination seek non-privileged, factual information. You may assert privilege/work-product but must describe the nature of the information withheld sufficient to assess the claim.

### **TOPICS FOR EXAMINATION**

1. Research, testing, study, or analysis of the TikTok Platform prepared, conducted, reviewed, or commissioned by You.

2. Research, testing, study, or analysis of South Carolina Youth's use of Platforms (Including the TikTok Platform), prepared, conducted, reviewed, or commissioned by You.
3. Research, testing, study, or analysis of the Mental or behavioral health effects of the TikTok Platform on South Carolina Youth.
4. Complaints, issues, or inquiries received by You from South Carolina residents Concerning the content on, the age rating of, or the alleged addictiveness of any Platform, and any responses thereto.
5. Services, initiatives, or educational resources proposed, offered, or operated by You Relating to alleged Platform addiction or other harms caused by Platform use as alleged in the Complaint, Including Your budgeted and actual expenditures for such services, initiatives, or educational resources.
6. Public statements, advisories, educational materials, or guidance issued by You Concerning alleged risks associated with Platform use by minors.
7. Public statements made by You about the TikTok Platform or this Action, Including statements made to any member of the press.
8. Grants offered to You or received or requested by You Concerning the alleged impact of Platform use on Mental Health, Including information about when, where, why, and how any disbursements were paid.
9. Meetings, collaborations, and Communications between You and any Platform Concerning the content on the Platform, the Platform's age rating, any questionnaire responses provided by the Platform Relating to the content on the Platform, any guidelines Concerning the content permitted on the Platform, the alleged addictiveness of the Platform or its features, any alleged harm caused by the Platform, any safety or design features of the Platform, or any other topics encompassed by the Complaint in this Action.
10. Meetings, collaborations, and Communications between You and any federal, state, or local official, agency, office, department, or division Concerning the harms alleged in the Complaint in this Action.
11. Meetings, collaborations, and Communications between You and any public or private school, school board, parent-teacher association, or other educational or parent group nationally and/or in South Carolina Concerning the harms alleged in the Petition in this Action.
12. Your use of the TikTok Platform, Including to engage with the public.

13. Policies, practices, or procedures adopted or implemented by You during the Relevant Time Period regarding Your employees using the TikTok Platform or having TikTok accounts.
14. Meetings, collaborations, and Communications between You and legislators, agencies, or Third Parties regarding the drafting, enactment, or enforcement of (1) the Social Media Regulation Act (Act No. 96, H.B. 3431) and (2) the Stop Harm from Addictive Social Media Act (Act No. 237, H.B. 4591).

# **EXHIBIT 2**

| <u>Priv Log ID</u> | <u>BegBates</u>         | <u>EndBates</u>         | <u>BegAttach</u>        | <u>EndAttach</u>        |
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| 3                  | SCGov_AG Office_Meta_3  | SCGov_AG Office_Meta_3  | SCGov_AG Office_Meta_4  | SCGov_AG Office_Meta_4  |
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| 7                  | SCGov_AG Office_Meta_8  | SCGov_AG Office_Meta_9  |                         |                         |
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| 11                 | SCGov_AG Office_Meta_14 | SCGov_AG Office_Meta_16 |                         |                         |
| 12                 | SCGov_AG Office_Meta_17 | SCGov_AG Office_Meta_17 | SCGov_AG Office_Meta_18 | SCGov_AG Office_Meta_20 |
| 13                 | SCGov_AG Office_Meta_18 | SCGov_AG Office_Meta_20 |                         |                         |
| 14                 | SCGov_AG Office_Meta_21 | SCGov_AG Office_Meta_22 |                         |                         |
| 15                 | SCGov_AG Office_Meta_24 | SCGov_AG Office_Meta_25 |                         |                         |

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|                      | Executive & Deliberative Process Privilege                             | School DMH Exec Order.docx                                     |                                              |
|                      | Executive & Deliberative Process Privilege                             |                                                                | RE: [External] School DME Exec Order.docx    |
|                      | Attorney-Client Privilege / Executive & Deliberative Process Privilege | School DMH Exec Order per MDB 12.19.21.docx                    |                                              |
|                      | Attorney-Client Privilege / Executive & Deliberative Process Privilege |                                                                | FW: [External] School DME Exec Order.docx    |
|                      | Attorney-Client Privilege / Executive & Deliberative Process Privilege | School DMH Exec Order per MDB 12.19.21.docx                    |                                              |
|                      | Attorney-Client Privilege / Executive & Deliberative Process Privilege |                                                                | RE: Executive Order No. 2022-02 - DMH Review |
|                      | Attorney-Client Privilege / Executive & Deliberative Process Privilege |                                                                | RE: Executive Order No. 2022-02 - DMH Review |
|                      | Attorney-Client Privilege / Executive & Deliberative Process Privilege | School DMH Exec Order per MDB 12.19.21 (002).docx              |                                              |
|                      | Attorney-Client Privilege / Executive & Deliberative Process Privilege |                                                                | Executive Order No. 2022-02 - DMH Review     |
|                      | Attorney-Client Privilege / Executive & Deliberative Process Privilege | 2022-01-11 DRAFT Executive Order No. 2022-02 - DMH Review.docx |                                              |
|                      | Attorney-Client Privilege / Executive & Deliberative Process Privilege |                                                                | DMH EO                                       |
|                      | Attorney-Client Privilege / Executive & Deliberative Process Privilege | 2022-01-12 DRAFT Executive Order No. 2022-02 - DMH Review.docx |                                              |
|                      | Executive & Deliberative Process Privilege                             |                                                                | RE:                                          |
|                      | Attorney-Client Privilege / Executive & Deliberative Process Privilege |                                                                | RE: Question                                 |

| <u>Author</u>         | <u>To</u>                                            | <u>From</u>           | <u>CC</u>                                                                           |
|-----------------------|------------------------------------------------------|-----------------------|-------------------------------------------------------------------------------------|
|                       | Trey Walker; Melanie Barton; Mark Plowden; Sym Singh | Robby Kerr            | Jeff Leieritz                                                                       |
| Robby Kerr            |                                                      |                       |                                                                                     |
|                       | Robby Kerr; Trey Walker; Mark Plowden; Sym Singh     | Melanie Barton        | Jeff Leieritz                                                                       |
| Melanie Barton        |                                                      |                       |                                                                                     |
|                       | Melanie Barton                                       | Thomas Limehouse ATTY |                                                                                     |
| Melanie Barton        |                                                      |                       |                                                                                     |
|                       | Trey Walker; Thomas Limehouse ATTY; Brian Symmes     | Melanie Barton        | Grayson Lambert ATTY; Michael Shedd ATTY                                            |
|                       | Trey Walker; Melanie Barton; Brian Symmes            | Thomas Limehouse ATTY | Grayson Lambert ATTY; Michael Shedd ATTY                                            |
| Trey Walker           |                                                      |                       |                                                                                     |
|                       | Trey Walker; Melanie Barton; Brian Symmes            | Thomas Limehouse ATTY | Grayson Lambert ATTY; Michael Shedd ATTY                                            |
| Thomas Limehouse ATTY |                                                      |                       |                                                                                     |
|                       | Cody Simpson                                         | Thomas Limehouse ATTY | Trey Walker; Mark Plowden; Melanie Barton; Grayson Lambert ATTY; Michael Shedd ATTY |
| Thomas Limehouse ATTY |                                                      |                       |                                                                                     |
|                       | Jordan Marsh                                         | Melanie Barton        |                                                                                     |
|                       | Melanie Barton;; Thomas Limehouse ATTY               | Grayson Lambert ATTY  |                                                                                     |

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|                     |                         |                 | Email from cabinet-agency director to Governor's chief of staff and other executive staff sharing and soliciting comments on draft language related to potential executive order regarding school mental health under consideration by Governor                                                    |
|                     |                         |                 | Draft executive order on school mental health from cabinet-agency director sent to Governor's chief of staff and other executive staff for comment                                                                                                                                                 |
|                     |                         |                 | Email from Governor's deputy chief of staff and senior education advisor to Governor's chief of staff, other Governor's staff, and cabinet-agency director providing comments on draft language regarding potential executive order regarding school mental health under consideration by Governor |
|                     |                         |                 | Draft executive order on school mental health from cabinet-agency director with comments from Governor's deputy chief of staff and senior education advisor sent to Governor's chief of staff, other Governor's staff, and cabinet-agency director for review                                      |
|                     |                         |                 | Email from Governor's chief legal counsel to Governor's deputy chief of staff and senior education advisor regarding status of draft executive order on school mental health                                                                                                                       |
|                     |                         |                 | Draft executive order on school mental health from cabinet-agency director with comments from Governor's deputy chief of staff and senior education advisor attached to email from Governor's chief legal counsel regarding status of draft                                                        |
|                     |                         |                 | Email from Governor's deputy chief of staff and senior education advisor to Governor's chief of staff and legal counsel providing response to legal questions regarding draft language of executive order on school mental health                                                                  |
|                     |                         |                 | Email from Governor's chief of staff to Governor's deputy chief of staff and senior education advisor and legal counsel providing response to legal questions regarding draft language of executive order on school mental health                                                                  |
|                     |                         |                 | Draft executive order on school mental health attached to email from Governor's chief of staff responding to legal questions regarding draft language of order                                                                                                                                     |
|                     |                         |                 | Email from Governor's chief legal counsel to Governor's chief of staff, deputy chief of staff and senior education advisor, and other staff providing legal advice about and soliciting comments on draft executive order on school menalth health                                                 |
|                     |                         |                 | Draft executive order on school mental health sent to Governor's chief of staff, deputy chief of staff and senior education advsior, and other staff providing legal advice and seeking comments on draft language                                                                                 |
|                     |                         |                 | Email from Governor's chief legal counsel to Governor's executive assistant, copying Governor's chief of staff, deputy chief of staff and senior education advisor, and other staff providing legal advice about and soliciting comments on revised draft executive order on school menalth health |
|                     |                         |                 | Revised draft executive order on school mental health sent to Governor's executive assistant, chief of staff, deputy chief of staff and senior education advsior, and other staff providing legal advice and seeking comments on draft language                                                    |
|                     |                         |                 | Email between Governor's deputy chief of staff and senior education advisor and federal-relations director regarding the need to seek advice from legal counsel regarding policy statement on schools, learning loss, and COVID                                                                    |
|                     |                         |                 | Email between Governor's legal counsel and deputy chief of staff and senior education advisor responding to questions regarding potential policy initiative on school mental health                                                                                                                |

# **EXHIBIT 3**

## ATTACHMENT A

### DEFINITIONS

The following definitions, which have been included in alphabetical order for ease of reference, apply to each of the following Instructions and Requests for Production. To the extent any definition references language used in the Complaint, the definition does not endorse or accept any allegation or characterization in the Complaint.

1. “Action” means the above-captioned action.
2. “Communication(s)” means any disclosure, transfer, or exchange of information or opinion, however made.
3. “Complaint” refers to the operative Complaint filed by the State of South Carolina against Defendants in this Action, attached hereto as **Exhibit 1**.
4. “Concerning” means relating to, referring to, describing, consisting of, compromising, showing, commenting on, tending to support or tending to refute, or in any way logically or factually connected with the matter that is the subject of the Request.
5. “Defendants” means TikTok Inc., TikTok LLC, TikTok Pte. Ltd., TikTok Ltd., ByteDance Inc., and ByteDance Ltd.
6. “Design Features” refers to the TikTok Platform “design” components, functions, and features specifically referenced in the Complaint, including at Paragraphs 12, 130–94, 214–24, 65–104, 107, as the advertising-based business model; For You feed; the recommendation system; Autoplay; Endless Scroll; Ephemeral Content, including TikTok Stories and TikTok LIVE; Push Notifications; engagement and feedback mechanisms, including likes, comments, shares, views, and follower counts; and filters, including RETOUCH, Bold Glamour, and other beauty filters, and are defined consistent with those terms’ usage in the Complaint, as well as analogous “design” features in other Platforms.

7. “Document(s)” means each and every writing or record, however produced or reproduced, whether draft or final, original or reproduction, paper or electronic, signed or unsigned, that is in Your possession, custody, or control or to which You otherwise have access, regardless of where located (e.g., paper, device, compact disk, computer disk and drive, etc.), Including any communication (Including all forms of information transference written, oral, recorded, printed, typed or other graphic matter of any nature, or electronic, Including meetings, conferences, conversations, discussions, proposals, solicitations, interviews, surveys, reports, articles, correspondence, text messages, all other electronic messages and notes, as well as memoranda and records of communications), word processing files, records saved as .pdf or other electronic files, emails, instant messages, electronic information, data, letters, screenshots, screen time data or information, social-media communications, spreadsheets, graphs, drawings, images, presentations, application files, executable files, log files, mechanical and electrical sound recordings or transcripts of those recordings, disks, computer data, transcripts, clippings, memoranda of telephone or personal conferences or conversations, personal journals, telephone diaries, location information, search histories, journals, photographs, tape recordings, video recordings or posts, movies, other data compilations from which information can be obtained, all materials similar to any of the foregoing, and all other documents and things subject to production under South Carolina Rule of Civil Procedure 45. All copies and versions of any Document that contain any notation, erasure, obliteration, marking, or writing of any kind different from the original shall be treated as an original Document. The term “Document(s)” Includes “Electronically Stored Information” as defined below.

8. “Electronically Stored Information” or “ESI” is used consistent with how the term is defined and construed under South Carolina law and Includes without limitation all electronic

data stored in a medium from which information can be reasonably obtained.

9. “Including” or “Includes” means “including but not limited to,” and shall be interpreted without limitation so as to identify a non-exhaustive set of examples and to expand the meaning or interpretation of a term or question rather than limit any Request to the specified examples.

10. “Mental Health” is used consistently with the term’s use in the Complaint.

11. “Person(s)” means any natural or legal person.

12. “Platform(s)” means any/all online or application-based entertainment service(s)/platform(s) that facilitates interactions between two or more distinct but interdependent sets of users, and Includes user-generated content, Including Facebook, Instagram, Snapchat, TikTok, YouTube, X (formerly known as “Twitter”), Pinterest, LinkedIn, BeReal, Lapse, Reddit, Threads, VSCO, Goodreads, Quora, Discord, Twitch, and Tumblr.

13. “Relating to” or “Related to” means and includes referring to, concerning, referencing, mentioning, associated with, constituting, discussing, containing, embodying, recording, reflecting, identifying, summarizing, incorporating, or dealing with or pertaining to in any way.

14. “Relevant Time Period” refers to the time period from December 1, 2017 to the present.

15. “Safety Features” refers to the TikTok Platform “safety” components, functions, and features specifically referenced in the Complaint, Including at Paragraphs 55, 61, 225–89, as parental tools, community standards, age verification, age ratings, 60-minute daily screentime limit, Screentime Managements tools, “take a break” videos, screentime dashboard, Family Pairing, “Refresh,” “Restricted Mode,” content moderation, and Community Guidelines, and are

defined consistent with those terms' usage in the Complaint, as well as analogous safety features in other Platforms.

16. "South Carolina Youth" means South Carolina residents under the age of 18.

17. "Third Party" means any Person other than Plaintiff or Defendants, as well as any current or former employee, officer, appointee, representative, or agent of any such Person.

18. "TikTok Platform" means the online entertainment platform, which is provided by TikTok Inc. in the United States.

19. "You" and "Your" refer to the South Carolina Office of the Governor, Including the South Carolina Office of the Governor's officials, directors, departments, divisions, commissions, agents, employees, boards, instrumentalities, administrators, independent contractors, distributors, and other Persons or entities acting on behalf of the South Carolina Office of the Governor, or under its direction, authorization, or control.

### **INSTRUCTIONS**

1. Unless otherwise set forth, the Documents requested Include all Documents that relate to the Relevant Time Period, regardless of creation date, and continue through the date of Your responses to these Requests.

2. In answering and responding to these Requests, You shall furnish such information and Documents in Your possession, custody, or control, Including information that is in the possession, custody, or control of Your employees, agents, investigators, consultants, representatives, attorneys (subject to any otherwise applicable privileges), or any other Person within Your control.

3. Your obligation to respond to each of these Requests is a continuing one. If, after responding to any Request, You obtain or become aware of any new or additional information pertaining to any Request contained herein, You must supplement Your answer in accordance with

the South Carolina Rules of Civil Procedure.

4. All Documents that respond, in whole or in part, to any part or clause of any paragraph of these Requests shall be produced in their entirety, Including all attachments and enclosures. Documents that in their original condition were stapled, clipped, or otherwise fastened together shall be produced in such form.

5. Each page of a produced document shall have a legible, unique page identifier (“Bates Number”) and confidentiality legend (where applicable) on the face of the image at a location that does not obliterate, conceal, or interfere with any information from the source document. Redactions should be clearly marked or stamped on the page in such a way that it is clear from review that a portion of the image has been redacted.

6. All responsive electronic documents shall be produced in a format agreed upon by the parties, to include at least native versions of Excel spreadsheets and presentation files, with a Bates-stamped placeholder image.

7. For any Document withheld under a claim of privilege, prepare a privilege log describing, without revealing the content of the allegedly privileged information but with sufficient specificity to allow Defendants to evaluate the claim, the nature of the Document withheld and the basis for the privilege alleged.

8. Where the context in the Requests makes it appropriate, each singular word shall Include its plural and each plural word shall Include its singular. The words “any,” “and,” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery all responses which might otherwise be construed to be outside its scope. Each of the following words Includes the meaning of every other word: “each,” “every,” “all,” and “any.” The present tense shall be construed to Include the past tense, and the past tense shall be

construed to Include the present tense.

9. Where there exists a good faith doubt as to the meaning or intended scope of a Request, and Your sole objection would be to its vagueness or ambiguity, You are asked and encouraged to contact counsel for undersigned Defendant(s) in advance of asserting an unnecessary objection. The undersigned counsel will provide additional clarification or explanation as may be needed.

### **REQUESTS FOR PRODUCTION**

1. All Documents Relating to research, testing, study, or analysis of the TikTok Platform, including any such research, testing, study, or analysis conducted or prepared by any South Carolina state entity or instrumentality under your direction or supervision.
2. All Documents Relating to research, testing, study, or analysis of the TikTok Platform's age-rating on the Apple App Store, including any such research, testing, study, or analysis conducted or prepared by any South Carolina state entity or instrumentality under your direction or supervision.
3. All Documents Relating to research, testing, study, or analysis of the TikTok Platform's age-rating on Google Play, including any such research, testing, study, or analysis conducted or prepared by any South Carolina state entity or instrumentality under your direction or supervision.
4. All Documents Relating to research, testing, study, or analysis of the TikTok Platform's age-rating in the Microsoft Store, including any such research, testing, study, or analysis conducted or prepared by any South Carolina state entity or instrumentality under your direction or supervision.
5. All Documents Relating to research, testing, study, or analysis of South Carolina residents' use of Platforms, including the TikTok Platform, including any such research, testing, study, or analysis conducted or prepared by any South Carolina state entity or instrumentality under your direction or supervision.
6. All Documents and Communications reflecting complaints, issues, or inquiries from or raised by South Carolina residents regarding the TikTok Platform, including any such complaints, issues, or inquiries received by any South Carolina state entity or instrumentality under your direction or supervision.
7. All Documents and Communications reflecting complaints, issues, or inquiries from or raised by South Carolina residents regarding Platforms other than the TikTok Platform, including any such complaints, issues, or inquiries received by You or any South Carolina state entity or instrumentality under your direction or supervision.

8. All Documents Relating to research, testing, study, or analysis of the public health effects of the TikTok Platform on South Carolina residents, including any such research, testing, study, or analysis conducted or prepared by any South Carolina state entity or instrumentality under your direction or supervision.
9. All Documents and Communications Relating to the TikTok Platform Safety Features identified in the Complaint.
10. All Documents and Communications Relating to the TikTok Platform Design Features identified in the Complaint.
11. All Documents and Communications Concerning the existence, prevalence, and treatment of Persons for mental, social, emotional, or behavioral health conditions allegedly caused by use of Platforms, including depression, eating disorders, and addiction to Platforms.
12. All Documents Relating to research, testing, study, or analysis of the Mental Health crisis among young people alleged in the Complaint, including any such research, testing, study, or analysis conducted, prepared, or commissioned by You or any South Carolina state entity or instrumentality under your direction or supervision.
13. All Documents sufficient to identify the treatment programs available for Persons in South Carolina allegedly experiencing addiction to the TikTok Platform or any other Platform.
14. All Documents and Communications Relating to the existence, prevalence, and treatment of Persons for addiction to Platforms.
15. Documents sufficient to identify all grants offered to the State, or received or requested by You or the State, to address the mental, social, emotional, or behavioral health of South Carolina Youth, Including information about: (i) when, where, why, and how any disbursements were paid; (ii) any schedules or plans for further disbursements; (iii) policies governing evaluation or approval of such disbursements; (iv) records of how the disbursements were used; and (v) all agendas, minutes, notes, or recordings from any meetings related to such grants.
16. All Documents Relating to research, testing, study, reports, evaluations, or analysis of the Mental Health of South Carolina Youth, Including those Related to:
  - a. Platforms use;
  - b. Video games use;
  - c. Cell phone use;
  - d. Messaging use;
  - e. Use of other electronics apart from use of Platforms;
  - f. COVID-19, social distancing, and/or remote learning;
  - g. Use of drugs or alcohol;
  - h. The opioid and fentanyl epidemic;
  - i. Poverty, homelessness, inflation, lack of health insurance, and/or food insecurity;

- j. Physical health including nutrition, exercise, weight management, sleeping habits, and sexual activity;
  - k. Family trauma or deaths;
  - l. Academic pressure;
  - m. Violence, including school violence, domestic violence, gun violence, gun control and/or mass shootings;
  - n. Bullying or verbal abuse apart from use of Platforms;
  - o. Political polarization;
  - p. Natural disasters;
  - q. Climate change;
  - r. Discrimination and inequity;
  - s. Global warfare and conflict; and
  - t. Any other potential causes of harms to the Mental Health of South Carolina Youth.
17. All Documents and communications Relating to any efforts (Including programs, initiatives, or actions) proposed or taken by You to address use of Platforms by South Carolina residents, Including any programs, initiatives, efforts, or actions intended to increase or decrease use of Platforms.
  18. Documents sufficient to identify Your budgeted and actual expenditures for any programs, initiatives, efforts, or actions Relating to the use of Platforms.
  19. Documents sufficient to show all actions taken by the State—including press releases, public awareness campaigns, advertising, and other public outreach—to educate the South Carolina public, including South Carolina parents and minors, about the purported harms from the use of Platforms.
  20. All Documents and Communications Relating to policies considered, proposed, recommended, or enacted by You Relating to use of cell phones, smart phones, computers, tablets, video streaming services or other electronic devices by South Carolina Youth.
  21. All Documents and Communications Concerning Your use of the TikTok Platform, Including all Documents and Communications Concerning any postings You have made on the TikTok Platform.
  22. All Documents and Communications Concerning use of the TikTok Platform by Your officers, directors, employees, consultants, or affiliates, Including all Documents and Communications Concerning any postings You have made on the TikTok Platform.
  23. All Documents and Communications Relating to any policies or procedures regarding Your use of the TikTok Platform or other Platforms, Including Documents Relating to policies or procedures considered but not adopted.
  24. All Documents Relating to advertising on the TikTok Platform purchased by You, including any Documents regarding the effectiveness of using such advertising to communicate with South Carolina residents.

25. All Documents Relating to Your efforts to engage with the public using the TikTok Platform. This includes, but is not limited to, all press releases with hashtags, links, or other references to the TikTok Platform.
26. Documents sufficient to identify Your budgeted and actual expenditures on: (a) digital advertisements by You on Platforms, Including the TikTok Platform; and (b) digital advertisements by You purchased through Platforms, Including the TikTok Platform; (c) promotional activities of any kind by any Platform user.
27. All Documents Relating to research, testing, study, or analysis of South Carolina businesses that advertise on the TikTok Platform, including any such research, testing, study, or analysis conducted by any State agency, office, department, division, commission, board, or other instrumentality.
28. All Documents and Communications Concerning Your efforts to regulate or otherwise limit Platform use, Including any legislation, administrative rules and regulations, or policy initiatives—whether considered or actually enacted, Including the South Carolina Social Media Regulation Act, the South Carolina Age-Appropriate Design Code Act, and the Child Online Safety Act.
29. All Communications between You and any Platform.
30. Any statements in any forum in which You discuss topics Concerning Platform use.
31. All Documents and Communications Concerning public or non-public meetings held by You Concerning Platforms, Including notices, meeting notes, PowerPoint presentations, recordings, transcripts, internal memoranda, summaries, personal notes, or attendee lists.
32. All Communications between You and any federal, state, or local official, agency, office, department, or division Concerning Platform use.
33. All Communications between You and any public or private school, school board, parent-teacher association, or other educational or parent group nationally and/or in South Carolina Concerning Platform use.
34. All Communications between You and any third party, such as individuals, advocacy groups, civil society groups, consulting groups, nongovernmental groups, or other groups of Persons, Concerning Platform use.
35. Any Documents or Communications Concerning Your participation in any roundtable sessions regarding Platform use.
36. All Documents and Communications Concerning Your efforts to educate Persons about Platform use, Including through public outreach campaigns.

37. All Documents and Communications Concerning Your awareness of and/or response to any alleged unlawful conduct on the TikTok Platform and/or any other Platform.
38. All Documents or Communications related to Your Communications or collaboration with the South Carolina Clinical Mental Health Counselors Association relating to Platform use.
39. All Documents maintained or analyzed by You related to the use of Platforms.