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News & Insights

Denver Attorney Kirk McGill for The Register - App stores unconvinced by Trump's TikTok ban pause, which may itself be on shaky legal ground

January 21, 2025

The Register

https://www.theregister.com/2025/01/21/trump_tiktok_ban_pause/

"None of them want to take the risk of getting sued," Hall Estill lawyer J. Kirk McGill told The Register in a phone interview today. "I doubt we'll see a change in the immediate future of them violating the law, Trump's order notwithstanding."

McGill said that, while ISPs, CDNs, and DNS providers could face some risk for allowing the web version of TikTok to continue reaching users via their services, that risk is very attenuated and most of the fine potential falls on those distributing the apps.

"[The app stores'] attorneys are most certainly saying the same thing I am," McGill added, "which is Trump doesn't have the authority to [stop PFACAA enforcement], so why would you take the risk of somebody coming back in 75 days and saying alright, we're fining you because you violated the law."

"Trump's bet here seems to be finding someone with standing to challenge not banning it," McGill told us.

In other words, is anyone going to challenge his order in the next 75 days? Probably not, McGill predicted. In the meantime, TikTok gets to keep operating while the White House tries to sort out some form of deal to keep it available to Americans in the long run.

Attorneys

- Dr. J. Kirk McGill Esq.

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