

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
IN NASHVILLE**

TAYLOR SWIFT,

Plaintiff

v.

MALCOLM MATTHEWS; RENEE SUSAN MITCHELL; LOUIS MOORE; MARTIN D. QUATTLEBAUM; MARSHA DYONNE TYLER; MELLISSA LIEBERMAN; EDWARD FRIEDMAN; KENNETH JOHNSON; ROBERT VINCENT ESTRONZA; TAIEF HASSON WALLACE; VANCE HILL; VERNANDO SMITH; ANDRE ANTHONY JONES; FRANK PARSONS; CARLO PONTI SMITH; WILBERT G. PRINCE; MERVIN A. BROWN; ERIC LOPP; JEFFREY L. WATKINS; DENNIS LANE WEAVER; KILO JAMES; TYRONE "PIGGY" SQUIRES; BURRELL DICKERSON; and BRAULIO RIVIERA,

Defendants

Civil Action No. 3:09-CV-0442

Judge Wiseman


Magistrate Judge Griffin

ORDER OF DESTRUCTION OF COUNTERFEIT GOODS

This matter comes before the Court upon the Motion by Plaintiff, Taylor Swift ("Plaintiff") for an order pursuant to 15 U.S.C. § 1118 of destruction of any and all counterfeit materials seized from the defendants Malcolm Matthews, Renee Susan Mitchell, Louis Moore, Marsha Dyonne Tyler, Mellissa Lieberman, Edward Friedman, Kenneth Johnson and Taief Hasson Wallace and any unidentified defendants in this case ("Defendants"). After due

consideration thereof and of the record of this case, the Court makes the following findings of fact and conclusions of law, and grants Plaintiff's Motion.

1. Plaintiff filed a Complaint¹ in this action charging Defendants, among other defendants in this case, with liability for trademark infringement, trademark dilution and false designation of origin, in violation of the Trademark (Lanham) Act, 15 U.S.C. § 1051 *et seq.*, use of counterfeit marks, in violation of the Trademark Counterfeiting Act of 1984, 15 U.S.C. § 1116(d), common law unfair competition, violation of Tennessee Consumer Protection Act, Tenn. Code Ann. § 47-18-101 *et seq.*, and violation of the Tennessee Personal Rights Protection Act of 1984, Tenn. Code Ann. § 47-25-1101 *et seq.*

2. Plaintiff has established that she owns and controls all rights, as alleged in the Complaint, in and to the Plaintiff's name, image and likeness, and Plaintiff's trademarks TAYLOR SWIFT,  and FEARLESS, collectively referred to in this Order as "Plaintiff's Trademarks," and that Plaintiff's Trademarks are distinctive and highly recognized by the public.

3. The Court had issued Temporary Restraining Order enjoining Defendants, among other defendants in this case, against manufacturing, distributing, marketing or selling any unauthorized merchandise or products bearing any photograph, image or likeness of Plaintiff, or any marks, words, names, designs and/or symbols that are identical or confusingly similar to, or are counterfeits of, Plaintiff's Trademarks ("Counterfeit Goods") and Order of Seizure of Counterfeit Goods (Document 12), and further issued a Preliminary Injunction and Order of Seizure of Counterfeit Goods (Document 33) against all defendants in this case, including Defendants.


¹ Plaintiff filed Verified Complaint on May 18, 2009 (Document 1), and subsequently filed First Amended Verified Complaint on June 10, 2009 (Document 26) and Second Amended Complaint on July 12, 2010 (Document 86); these pleadings are referred to, collectively, as "Complaint."

4. Under 15 U.S.C. § 1118, this Court has the power to grant an order of destruction of any articles seized under Section 1116(d) of Title 15 of the U.S. Code, 15 U.S.C. § 1116(d).

5. Plaintiff has served, in accordance with 15 U.S.C. § 1118, a notice of the Plaintiff's motion for entry of an order of destruction of the articles seized under 15 U.S.C. § 1116(d) on the United States Attorney for the Middle District of Tennessee (Document 104).

It is accordingly ORDERED that any and all Counterfeit Goods seized from Defendants and presently held in the custody of the Court be destroyed by Plaintiff or Plaintiff's agents.

Entered this 15th day of October, 2010.


THOMAS A. WISEMAN, JR.
SENIOR DISTRICT JUDGE