

**EXHIBIT A**

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, VARIOUS JOHN DOES,  
VARIOUS JANE DOES, and  
VARIOUS XYZ CORPORATIONS,

Defendants

Civil Action No. \_\_\_\_\_

**FILED UNDER SEAL**

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**DECLARATION OF FRANCISCO JAVIER DOMINGUEZ**

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I, FRANCISCO JAVIER DOMINGUEZ, declare that:

1 I am the Merchandise Manager for Plaintiff, Taylor Swift ("Plaintiff") I am authorized to make this Declaration, pursuant to Rule 65(b) of the Federal Rules of Civil Procedure and 15 U.S.C. § 1116(d), and in support of Plaintiff's *Ex Parte* Motion for Temporary Restraining Order, Motion for Preliminary Injunction and Application for Order of Seizure of Counterfeit Goods. All statements contained in this Declaration are based upon my personal knowledge, and I am competent to testify as to the truth of these statements

2 My duties for Plaintiff include design, manufacture, ordering and transporting authorized Taylor Swift merchandise, and managing sales of such merchandise at venues of Plaintiff's live concert performances

3 As part of my duties, I have traveled with Plaintiff to her past live performances, at various concert tour locations throughout the United States and abroad, and, most recently, Plaintiff's "Fearless Tour" in Evansville, Indiana, Jonesboro, Arkansas, St. Louis, Missouri, Charleston, South Carolina, Jacksonville, Florida, and Biloxi, Mississippi.

4 I also have the primary responsibility for anti-counterfeiting efforts at these performances, pursuing distribution, sale and offering for sale of merchandise bearing counterfeit trademarks TAYLOR SWIFT, in word and/or stylized form, and FEARLESS, and/or Plaintiff's name and likeness ("Counterfeit Goods")

5 During these efforts, I and other members of Plaintiff's merchandise enforcement team have often observed numerous instances of distribution, sale and offering for sale of Counterfeit Goods

6 I have often observed the same individuals offering and selling Counterfeit Goods at different concert locations

7 From my experience, I have learned that Counterfeit Goods will be typically offered for sale by the same groups of individuals, who repeatedly manufacture Counterfeit Goods, and distribute and sell such merchandise at concert venues throughout the United States ("Counterfeiters")

8 Most recently, I encountered at least twenty individuals offering for sale and selling Counterfeit Goods at Plaintiff's performance in Jacksonville, Florida, and I encountered another number of Counterfeiters at Plaintiff's next concert, in Biloxi, Mississippi. Many of the

Counterfeiters at the Biloxi venue had sold and offered for sale Counterfeit Goods at the Jacksonville concert

9. Counterfeit Goods are typically distributed and sold at or near the concert venues, in surrounding parking lots, and on nearby streets

10 Counterfeiters usually operate anonymously, without identification, licenses or addresses.

11 When Counterfeiters are approached by Plaintiff's merchandise enforcement team or when they notice Plaintiff's team, they either quickly hide or discard Counterfeit Goods and walk or run away, or ignore requests for identification and to abandon the concert premises and turn over Counterfeit Goods to Plaintiff, and continue to sell Counterfeit Goods at the next concert venue

12 Counterfeiters may also become violent as a result of the anti-counterfeiting enforcement efforts without the proper support from the law enforcement officers. As a result of such efforts at the Plaintiff's recent concert in Jacksonville, Florida, where Counterfeit Goods were being sold within six feet outside of the front door to the venue, I was personally assaulted and two Counterfeiters were arrested. Such violence is particularly troublesome because of the young average age of the audience attending Plaintiff's concerts

13 From my experience, law enforcement officers at concert venues are primarily dedicated to on-site safety and security and typically do not have priority or time to deal with Counterfeit Goods. Law enforcement officers do not extend much cooperation to Plaintiff for her anti-counterfeiting enforcement efforts, citing lack of a federal injunction and seizure order

14. Based upon my experience, there are many more sellers of Counterfeit Goods at the concert locations than Plaintiff's team can address absent an order of injunction authorizing

the law enforcement officers to seize and impound Counterfeit Goods, and an order authorizing seizure of Counterfeit Goods, because, in the absence of such orders, Counterfeiters will not voluntarily turn over Counterfeit Goods and will not cease the distribution and sale of Counterfeit Goods

15. I and other members of Plaintiff's merchandise enforcement team have inspected Counterfeit Goods that have been recovered in the past at concert locations, including during Plaintiff's current concert tour.

16. Counterfeit Goods are of the same general nature and type as genuine and authorized Taylor Swift merchandise

17. In addition, Counterfeit Goods often display an image, photographs or likeness of Taylor Swift

18. However, the design, materials and quality of Counterfeit Goods are of inferior quality, and fail to comply with the quality and style standards established by Plaintiff for her authorized merchandise

19. Counterfeit Goods are typically lower in price than authentic Taylor Swift merchandise. At one of Plaintiff's most recent concerts, Counterfeiters were selling six counterfeit tee-shirts for \$55; Plaintiff's authorized tee-shirts are usually sold at the individual price of \$25. Plaintiff's pricing reflects her obligations to the state authorities for the payment of taxes and Plaintiff's sharing of her revenues with the concert venues, which provide a direct positive impact to the local communities where Plaintiff performs. Thus, not only do Counterfeiters damage Plaintiff and mislead the public, but they also take away community resources

20 Further, Counterfeit Goods are largely uniform from concert to concert and city to city, because many Counterfeiters will sell the same Counterfeit Goods in different cities, travelling from one concert venue to the next. Digital photographs of select examples of Counterfeit Goods that have been recovered during Plaintiff's 2009 Tour, to-date, are attached to this Declaration as **Exhibit 1**.

21. The genuine Taylor Swift merchandise is of the highest quality and grade, manufactured according to strict quality and aesthetic standards.

22. In addition, certain Taylor Swift merchandise features anti-counterfeiting measures. For example, the decorative design for Taylor Swift tee-shirts includes a number that tracks every single product. This system allows Plaintiff to identify Counterfeit Goods from authentic Taylor Swift merchandise. Digital photographs of select examples of authentic Taylor Swift merchandise are attached to this Declaration as **Exhibit 2**.

23. Without the aid of a federal court order of injunction and authorizing seizure of Counterfeit Goods at and near locations of Plaintiff's concerts, Plaintiff will lose innumerable and irrecoverable sums in merchandise sales and will suffer incalculable, irreparable damage to her reputation and goodwill, in addition to the harm such counterfeiting will cause to the consuming public by deceiving the public into believing that Counterfeit Goods are the legitimate, high-quality Taylor Swift merchandise. Further, Plaintiff will be unable to combat the network of individuals distributing and selling Counterfeit Goods in connection with Plaintiff's concert performances, and will be unable to protect her rights and the rights of the consuming public against the distribution and sale of Counterfeit Goods.

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

Executed on May 15, 2009

  
FRANCISCO JAVIER DOMINGUEZ

## **EXHIBIT 1**









# FEARLESS



Special Guest

Miss P...





**EXHIBIT 2**













