

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

TAYLOR SWIFT,

Plaintiff

v.

MALCOLM MATTHEWS, et al.,

Defendants

Civil Action No. 3:09-0442

Judge Wiseman

Magistrate Judge Griffin

**FILED UNDER SEAL**

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**PROPOSED INITIAL CASE MANAGEMENT ORDER**

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Plaintiff Taylor Swift (“Plaintiff”), by and through her undersigned counsel, respectfully proposes, in accordance with Rule 16 of the Federal Rules of Civil Procedure and Local Rule 16(d), the following Initial Case Management Order. Plaintiff’s counsel was not able to confer and cooperate with the counsel for Defendants as required by Rule 26(f) of the Federal Rules of Civil Procedure and Local Rule 16(b) because no Defendants or counsel for Defendants have entered an appearance in the case.

**1. Status of Service of Process.**

Defendant Martin D. Quattlebaum was served with process on May 27, 2009. Personal service was attempted on Defendants Matthews, Mitchell and Moore on May 26, 2009, Defendant Mitchell on May 27, 2009, and Defendant Tyler on May 26 and May 27, 2009.

Service on Defendants Matthews, Mitchell, Moore and Tyler, and Defendants Schiff, Lieberman, Friedman, Estronza, Johnson and Wallace was made on June 22, 2009, by mail, in

accordance with Rule 4(e)(1) of the Federal Rules of Civil Procedure and Rules 4.05(a) and 4.04(10) of the Tennessee Rules of Civil Procedure.

**2. Status of Responsive Pleadings.**

No Defendant has filed a responsive pleading.

**3. Jurisdiction.**

This Court has subject matter jurisdiction over this action pursuant to: 28 U.S.C. §§ 1331, 1338(a) and 15 U.S.C. § 1121(a), as a civil action arising under the trademark laws of the United States; pursuant to 28 U.S.C. § 1338(b), as a civil action asserting a claim of unfair competition joined with a substantial and related claim under the trademark laws of the United States; and under 28 U.S.C. § 1367(a) and the doctrine of supplemental jurisdiction.

**4. Plaintiff's Theory of the Case.**

Plaintiff, Taylor Swift, is an internationally-recognized and immensely popular recording and performing musical artist. Earlier this year, Plaintiff announced her first headlining tour, titled "Fearless Tour" ("Fearless Tour"); the tour is scheduled to reach fifty-six cities, in thirty-five states, within the United States, and will extend abroad, to Canada and United Kingdom. In addition to Fearless Tour, Plaintiff will also give live performances during 2009 with the musical artists Keith Urban and Kenny Chesney and at a number of fairs and festivals (Plaintiff's performances during 2009, collectively, "Plaintiff's 2009 Tour"). In conjunction with her live performances to-date during 2009, as well as during her prior concert tours, merchandise bearing Plaintiff's trademarks TAYLOR SWIFT, in word and/or stylized forms, and/or the trademark FEARLESS ("Plaintiff's Trademarks"), and/or Plaintiff's photograph, image or likeness ("Taylor Swift Merchandise") has been made available for purchase to the public, by Plaintiff and her authorized vendors. Despite Plaintiff's past diligent efforts to prevent and actively

pursue sale of merchandise marked with imitations or counterfeits of Plaintiff's Trademarks ("Counterfeit Goods"), Counterfeit Goods have appeared during Plaintiff's past live performances, including during Plaintiff's 2009 Tour, as recently as on June 13, 2009, at or near the concert venues.

The named Defendants are individuals who were encountered by Plaintiff's merchandise enforcement team, and identified through its efforts, as offering and selling Counterfeit Goods during Plaintiff's 2009 Tour. In addition to the named Defendants, there were numerous individuals distributing, selling and offering for sale Counterfeit Goods at these concert venues who refused to furnish identification to Plaintiff's team or otherwise evaded Plaintiff's anti-counterfeiting enforcement efforts. These individuals and other similarly-situated individuals and entities, whose true names, capacities and addresses are not yet known to Plaintiff, are identified by Plaintiff in its Complaint as Various John Does, Various Jane Does and Various XYZ Corporations.

Counterfeit Goods are of the same general nature and type as genuine and authorized Taylor Swift Merchandise, and typically include or feature Plaintiff's image, photographs or likeness. However, the design, materials and quality of most Counterfeit Goods are of inferior quality, fail to comply with the quality and style standards established by Plaintiff for Taylor Swift Merchandise, and are lower in price than authentic Taylor Swift Merchandise. Defendants' actions have resulted in use of counterfeits of Plaintiff's Trademarks, trademark infringement, trademark dilution, common law unfair competition, violation of Tennessee Consumer Protection Act, and violation of Tennessee Personal Rights Protection Act.

5. **Issues Resolved.** The Court has granted Plaintiff's Motion for Preliminary Injunction and Application for Order of Seizure of Counterfeit Goods, resolving the claim for preliminary injunctive relief and order of seizure of counterfeit goods.

6. **Unresolved Issues.** Liability and damages.

7. **Need for Other Claims or Parties.** Additional defendants, presently identified by Plaintiff in its Complaint as Various John Does, Various Jane Does and Various XYZ Corporations, are expected to become parties to the action.

8. **Limitations on Discovery.** Discovery should be stayed, pursuant to Local Rule 16(e)(1), until such the time when all of the Defendants have been identified.

9. **Schedule of Initial Disclosures.** All parties must make their initial disclosures within 30 days after the initial case management conference. A party that is first served or otherwise joined after the initial case management conference must make the initial disclosures within 30 days after being served or joined.

10. **Target Trial Date.** The target trial date shall be set at a subsequent case management conference and order.

11. **Subsequent Case Management Conferences.** A follow-up case management conference by telephone is set for \_\_\_\_\_, at \_\_\_\_\_. Counsel for Plaintiff shall initiate this call.

It is so ORDERED.

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JULIET GRIFFIN  
UNITED STATES MAGISTRATE JUDGE

APPROVED FOR ENTRY:

/s/ Natalya L. Rose

W. Michael Milom (No. 002803)

David S. Crow (No. 020699)

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*Attorneys for Plaintiff*

*Taylor Swift*

**CERTIFICATE OF SERVICE**

I hereby certify that service of the foregoing Proposed Case Management Order is being accomplished through delivery by U.S. Certified Mail, Return Receipt Requested, this 24<sup>th</sup> day of June, 2009, upon the following:

Malcolm Matthews  
3234 Hunter Drive  
Orangeburg, South Carolina 29115

Brendan Schiff  
497 East California Blvd.  
Pasadena, CA 91105

Renee Susan Mitchell  
2775 NE Expressway, Apartment 53  
Atlanta, Georgia 30345

Taief Hasson Wallace  
3600 Clubhouse Cir.  
Decatur, GA 30032

Louis Moore  
705 Mermaid Avenue  
Norfolk, Virginia 23510

Edward Friedman  
650 N. Crescent Heights  
Los Angeles, CA 90048

Martin D. Quattlebaum  
8556 Kendrick Road  
Jonesboro, Georgia 30126

Kenneth Johnson  
3715 Ramsey Circle  
Atlanta, GA 30331

Marsha Dyonne Tyler  
103 Booker Street  
Baytown, Texas 77523

Robert Vincent Estronza  
1281 Brockett Road  
Clarkston, GA 30021

Melissa Liberman  
P.O. Box 279872  
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/s/ Natalya L. Rose  
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Natalya L. Rose