

**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

**JOINT STIPULATION REGARDING ENTRY OF AGREED CONSENT JUDGMENT;
AGREED CONSENT JUDGMENT AND PERMANENT INJUNCTION**

WHEREAS, Taylor Swift (“Plaintiff”), having filed a Complaint in this action charging Defendant Brendan Schiff (“Defendant Schiff”), among other Defendants, with liability for trademark infringement, trademark dilution, use of counterfeit marks, unfair competition, violation of Tennessee Consumer Protection Act, and violation of the Tennessee Personal Rights Protection Act,

WHEREAS, the Court has issued Temporary Restraining Order and Order of Seizure of Counterfeit Goods (Document 12) and Preliminary Injunction and Order of Seizure of Counterfeit Goods (Document 33) against all Defendants in this case, including Defendant Schiff,

NOW, THEREFORE, Plaintiff and Defendant Schiff (collectively, the “Parties”), as evidenced by the signature of Plaintiff’s counsel and the signature of Defendant Schiff below,

desire and having agreed to settle the controversy between them stipulate, agree and declare as follows:

1. An Agreed Consent Judgment and Permanent Injunction (“Consent Judgment”) may be entered upon the terms set forth below.

2. Defendant Schiff stipulates not to appeal the Consent Judgment entered pursuant to this Joint Stipulation Regarding Entry of Agreed Consent Judgment (“Stipulation”) and hereby waives all rights to appeal from it. Defendant Schiff hereby waives any rights that he may have to request or to have a new trial or any rights that he may have to otherwise challenge, directly or collaterally, the Consent Judgment.

3. Defendant Schiff declares under penalty of perjury that he does not have possession, custody or control of any Counterfeit Goods (as defined in the Consent Judgment) or any plates, molds, matrices or other means or articles of making or reproducing Counterfeit Goods;

4. Defendant Schiff acknowledges that he has completely read the terms of this Stipulation and of the Consent Judgment and fully understands their terms and consequences.

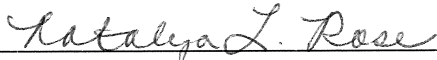
5. The waiver by a party to this Stipulation of the performance of any covenant, condition or promise herein shall not invalidate this Stipulation nor shall any such waiver be construed as a waiver or relinquishment of the performance of any other covenant, condition or promise in this Stipulation.

6. This Stipulation may be amended or modified only by a written instrument signed by all the Parties.

7. Except as to the relief provided herein, all claims alleged in the Complaint with respect to Defendant Schiff will be dismissed with prejudice.

8. This Stipulation shall be binding on and inure to the benefit of the Parties, their successors, heirs or assignees.

Dated: August 11, 2009


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Dated: August 7, 2009


Brendan Schiff
In Propria Persona

The Court, having read and considered the Joint Stipulation Regarding Entry of Agreed Consent Judgment that has been executed by Plaintiff Taylor Swift (“Plaintiff”) and Defendant Brendan Schiff (“Defendant Schiff”) in this action, for good cause appearing therefore and based on the Parties’ Stipulation, hereby ORDERS that:

1. 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. Service of process was properly made against Defendant Schiff, on June 26, 2009.

2. Plaintiff owns and controls all rights in and to the trademark TAYLOR SWIFT, in word and in stylized forms, and its registration with the United States Patent and Trademark Office and applications for such registration, and that Plaintiff's trademark TAYLOR SWIFT is distinctive and highly recognized by the public. Plaintiff also owns and controls all rights in and to the trademark FEARLESS and the applications for its registration with the United States Patent and Trademark Office. Plaintiff's trademarks TAYLOR SWIFT and FEARLESS are collectively referred to in this Consent Judgment as "Plaintiff's Trademarks." A summary of Plaintiff's Trademarks, and their registrations and applications for registration with the United States Patent and Trademark Office, is set forth in Exhibit A hereto.

3. Plaintiff has alleged that Defendant Schiff has made unauthorized use of Plaintiff's Trademarks, which has resulted in infringement of Plaintiff's Trademarks, dilution of Plaintiff's Trademarks, use of counterfeits of Plaintiff's Trademarks, unfair competition, violation of Tennessee Consumer Protection Act, and violation of the Tennessee Personal Rights Protection Act.

4. Defendant Schiff, along with his partners, associates, agents, servants, employees, representatives, and assigns, and all others under their control or in active concert or participation with them, and all other persons and entities having actual knowledge hereof be, and the same hereby are, ENJOINED and RESTRAINED from:

- a. 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");

- b. representing by any method, directly or indirectly, that any Counterfeit Goods, the actions of Defendant Schiff or Defendant Schiff himself are sponsored, endorsed or authorized by, or affiliated with, Plaintiff; and
- c. otherwise taking any action or engaging in any conduct that tends falsely to represent, or is likely to confuse, mislead or deceive purchasers and/or members of the public to believe, that the actions of Defendant Schiff, the products sold by Defendant Schiff, and/or Defendant Schiff himself are connected with Plaintiff, are sponsored, approved or licensed by Plaintiff, and/or are affiliated with Plaintiff.

5. Any and all Counterfeit Goods seized from Defendant Schiff and presently held in the custody of the Court shall be destroyed by Plaintiff or Plaintiff's agents.

6. Except as to the relief provided herein, all claims alleged in the Complaint with respect to Defendant Schiff are dismissed with prejudice.

7. This Consent Judgment shall not be construed to modify, supersede, cancel, or place any limitations on this Court's Preliminary Injunction and Order of Seizure of Counterfeit Goods issued in this case on June 17, 2009 (Document 33) as it applies to any other named or any unnamed defendants.

8. The Court shall retain jurisdiction over Defendant Schiff to entertain such further proceedings and to enter such further orders as may be necessary or appropriate to implement and enforce the provisions of this Consent Judgment.

9. All persons who become aware of this action or this Consent Judgment are ORDERED not to reveal the existence of this action or this Consent Judgment to any other person, except that persons authorized to enforce this Consent Judgment may reveal its existence and contents to the extent necessary to carry out their official duties and any parties against whom enforcement of this Consent Judgment is sought may confer with their attorneys concerning this action.

Entered this 28th day of August, 2009, at 11:30 A.M.



THOMAS A. WISEMAN, JR.
SENIOR DISTRICT JUDGE

APPROVED FOR ENTRY:



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Brendan Schiff
In Propria Persona

EXHIBIT A

PLAINTIFF'S TRADEMARKS

| Plaintiff's Trademark | Goods/Services International Class | Goods/Services Description Summary | U.S. Patent and Trademark Office Registration/ Serial No. |
|-------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------------|
| TAYLOR SWIFT | Class 9 | Audio and video recordings | 3,439,211 |
| | Class 25 | Clothing | 3,439,210 |
| | Class 41 | Entertainment services: live musical performances | 3,429,635 |
| | Class 9 | Downloadable audio and video recordings | 77/734623 |
| | Class 14 | Jewelry | 77/734631 |
| | Class 16 | Printed materials and publications | 77/734649 |
| | Class 35 | On-line retail store services | 77/734654 |
| | Class 41 | Entertainment services: on-line informational and related services | 77/734659 |
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|  | Class 9 | Audio and video recordings | 77/734732 |
| | Class 14 | Jewelry | 77/734737 |
| | Class 16 | Printed materials and publications | 77/734743 |
| | Class 25 | Clothing | 77/735160 |
| | Class 35 | On-line retail store services | 77/734751 |
| | Class 41 | Entertainment services | 77/735175 |
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| FEARLESS | Class 9 | Audio and video recordings | 77/734576 |
| | Class 25 | Clothing | 77/734586 |
| | Class 41 | Entertainment services | 77/734597 |