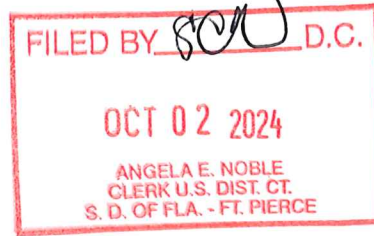


UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION



Kimberly Marasco
Plaintiff,

VS

Taylor Swift, an individual and
Taylor Swift Production, a Tennessee Corporation
Defendants

NO: 2-24-CV-14153 Amended

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

INTRODUCTION

1. Plaintiff, Kimberly Marasco (Original1), Pro Se, brings this Complaint against Defendants, Taylor Swift (dubbed Artist1) and Taylor Swift Productions (TSP), a Tennessee Corporation for damages and injunctive relief, and in support thereof states as follows:

THE PARTIES

2. Plaintiff Original1 is a writer and author in Florida. She has been a writer since at least 2015. She is the author and owner of the rights to the creative works of her published books of poetry and verse: *Dealing with a Chronic Illness* (2017) and *Fallen from Grace* (2019). *Fallen From Grace* was renamed to *Songs of the Unsung* in April of 2020 when it was published on Amazon.
3. Defendant Artist1 is a is an American singer-songwriter based in Nashville, Tn. Defendant Taylor Swift Productions, Inc. (TSP) is an in-house visual media production company of

[Prepared with the help of an attorney]

Swift. TSP is based in Nashville, TN. Swift and TSP (together, Defendants) songs, including music videos, contain a number of creative elements that copied the expressive text, images, and designs without authorization or credit to the detriment of the Plaintiff, Original1. The Defendant's songs and videos are from the albums *Lover* (2019), *Folklore* (2020), *Midnights*, (2022) and *The Tortured Poets Dept* (2024) with all credits for text, design and image elements claimed as works by Swift (and/or TSP).

JURISDICTION AND VENUE

4. This is an action arising under the Copyright Act, 17 U.S.C. § 501. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).
5. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district and the property that is the subject of this action is situated in the district.
6. Section 48.193, Florida Statutes. Florida has a "Long Arm Statute" that prescribes the circumstances under which an out of state defendant can be haled into Florida court under in personam jurisdiction. Jurisdiction under this subsection is section 48.193(1)(b), Florida Statutes, if the material on a website is accessible in Florida and is accessed by a third party in Florida. The Defendants engage in substantial business activity in Florida which give rise to long arm jurisdiction.
7. **Specific jurisdiction** may be found when a non-resident Defendant has purposefully availed itself of the privilege of conducting activities in the forum state or has purposefully directed its conduct into the forum state. The idea is that the Defendant has received the benefits and protections of the forum state's laws, so it would be fair to require the Defendant to undertake the burdens of litigating in that state. Moreover, the Plaintiff's claim must arise out

of the Defendant's conduct in the forum state or be related to it, and the exercise of jurisdiction must be reasonable under the circumstances.

8. Defendants promote and produce events doing business in the district such as concerts and selling merchandise, receiving millions of local dollars in revenue and thus have maintained sufficient minimum contacts in the district such that the exercise of personal jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice.
9. Artist1 held three concerts in Tampa in 2023 with 66-70,000 people each night for a total attendance of almost 200,000 people. Between parking, vendors and tickets, the Stadium made \$5 Million in revenue. Local hotels were sold out at a 60% rate increase for the event. Hotel revenue for the April 13th show was up 96%, for April 14th, revenue increased by 101% and April 15th it increased by 109%. Restaurants within a 2-mile radius of the stadium reported a 60% increase in sales. Taylor Swift is scheduled for three nights in October (18th-20th) at the Hard Rock Stadium in Miami. Ticket costs are \$50-\$500 (190,000*\$50 = 9.5Million) with the aftermarket ticket price reaching as high as \$10,000 ea. Furthermore, the Defendants' *The Eras Tour* movie and other videos and merchandise can be purchased on the internet, including Amazon. The Ninth Circuit recently held in Herbal Brands, Inc. v. Photoplaza, Inc., et al., 2023 U.S. App. LEXIS 16904 (9th Cir. July 5, 2023) ("Herbal Brands") that a non-resident defendant who sells a physical product via an interactive website to a particular forum may be subject to personal jurisdiction in that forum, even absent any additional contacts.

The 2024 Florida Statutes (Truncated):

Title VI

CIVIL PRACTICE AND
PROCEDURE

Chapter 48

PROCESS AND SERVICE OF
PROCESS

View Entire

Chapter

48.193 Acts subjecting person to jurisdiction of courts of state.—

(1)(a) A person, whether or not a citizen or resident of this state, who personally or through an agent does any of the acts enumerated in this subsection thereby submits himself or herself and, if he or she is a natural person, his or her personal representative to the jurisdiction of the courts of this state for any cause of action arising from any of the following acts (Truncated):

Operating, conducting, engaging in, or carrying on a business or business venture in this state or having an office or agency in this state.

- a. The defendant was engaged in solicitation or service activities within this state; or
- b. Products, materials, or things processed, serviced, or manufactured by the defendant anywhere were used or consumed within this state in the ordinary course of commerce, trade, or use.

9. Entering into a contract that complies with s. 685.102. More information about this statute can be found on floridabar.org.

10. A Defendant who is engaged in substantial and not isolated activity within this state, whether such activity is wholly interstate, intrastate, or otherwise, is subject to the jurisdiction of the courts of this state, whether or not the claim arises from that activity.

11. Service of process upon any person who is subject to the jurisdiction of the courts of this state as provided in this section may be made by personally serving the process upon the

defendant outside this state, as provided in s. 48.194. The service shall have the same effect as if it had been personally served within this state.

12. Defendants have worked in concert with each other to distribute and perform the infringing songs in this district, earning profits not shared with Plaintiff. Defendant thereby engaged in infringement in this district for profit.

THE COPYRIGHTED WORK AT ISSUE

13. Plaintiff brings this action for violations of Plaintiff's exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy, prepare derivative works, perform and distribute Plaintiff's original copyrighted Work.

14. Plaintiff is the author of a book with poems and verse titled *Dealing with a Chronic Illness: Vestibular Neuritis* ("Dealing") and registered the Work in the US Copyright Office as Copyright TXu2-061-218 (Ex. A). The book was published and offered for sale to the public in 2018 by Outskirts Press.

15. Plaintiff is the author of another book registered as *Fallen from Grace* ("Fallen"), May 27, 2020, with works produced and sold on Amazon KDP (titled *Songs of the Unsung*) in 2019. Please note that the registration date for *Fallen* came after the book was uploaded on KDP. The book is registered in the US Copyright Office as TXu002200550 (Ex. A). However, both the registered date and distribution date fall prior to the Defendants' songs.

16. Both "Dealing, 2017" and "Fallen, 2020" will be referred to as "Works" by the Plaintiff. Plaintiff is, and at all relevant times has been, the copyright owner of rights under United States copyright with respect to the Works.

17. Plaintiff published and sold copies of the Works on Amazon and other online outlets. Plaintiff's Works are protected by copyright but are not otherwise confidential, proprietary or a

trade secret. Defendants had access to the Works due to the Works being published for wide dissemination via online websites as well as publishing companies.

18. Defendants infringed Plaintiff's exclusive rights under 17 U.S.C. §§ 106 and 602 by unlawfully and extensively copying Plaintiffs protected expressions and publishing derivatives of Dealing and Fallen without Plaintiff's authorization in violation of 17 U.S.C. § 501. Defendants have never been licensed or given permission to use the Works, at issue in this action, for any purpose.

Swift infringed Plaintiff's exclusive rights under 17 U.S.C. §§ 106 and 602 by performing derivatives of the Works without Plaintiff's authorization in violation of 17 U.S.C. § 501.

On information and belief, Defendants infringed Plaintiff's exclusive rights under 17 U.S.C. §§ 106 and 602 by creating video content using the infringing derivative songs and distributing copies of the infringing video, publicly performing infringing derivative songs online and in concerts, and promoting concerts where the infringing songs and videos were performed publicly.

19. In 2023, Plaintiff discovered most of the infringing activity by co-workers and associates commenting on the substantial similarity of the Defendant's music to the Works as well as after viewing the "Eras Tour" over the internet and on television.

20. In 2024, Plaintiff brought suit against TSP in small claims court in Fort Pierce, Florida, seeking redress. In 2024, TSP had the case removed to Federal Court in the southern District of Florida, Fort Pierce Division as Case No. 2-24-CV-14153.

21. Defendants have willfully infringed Plaintiff's rights by showing their individual and joint reckless disregard for or willful blindness as to Plaintiff's copyrights. The harm caused to Plaintiff is irreparable and ongoing as a direct and proximate cause of Defendants copyright

infringement. Plaintiff never gave Defendants permission or authority to copy or prepare derivative works of the Works at issue in this case. On information and belief, Defendants profit by distributing and performing the derivative works in the District.

22. Plaintiff has the exclusive rights, pursuant to Section 106 of the Copyright Act, to make derivative works, distribute and publicly perform her copyrighted Works.

23. Defendants has appropriated either “verbatim or through close paraphrasing” at least twenty-five to thirty percent of Plaintiff’s Works of the same subject matter. The material copied by the Defendants was an essential part of Plaintiff’s work. The Defendants’ use clearly affected the potential market for the work because, before the use, the Plaintiff received interest from other publishers including literary magazines.

24. Defendants’ willful infringement, attorney’s fees and such other amounts that may be proper under 17 U.S.C. § 504 and § 505. In the alternative, at her election, Plaintiff is entitled to statutory damages by virtue of Defendants. Plaintiff is entitled to profits in amounts to be proven at trial under 17 U.S.C. § 504 (b).

25. Plaintiff is entitled to injunctive relief under 17 U.S.C. § 502 to stop Defendants continuing infringing activities which cause substantial, immediate, and irreparable injury to Plaintiff.

26. Unless enjoined and restrained by this Court, Defendants will continue to infringe Plaintiff's copyrights to include text from the following poems and verse by the Plaintiff:

- a. Plaintiff's poem, "*Ordinary Citizen*", contain unique expressions found in the song, "*The Man*".
- b. Plaintiff's poem, "*Whirlwind*", contains unique expressions found in "*Who's Afraid of Little Old Me*".
- c. Plaintiff's poems, "*Scorpion*, *Beams of Light*, *Gaslight*, and *Innocence Lost*" contain unique expressions found in "*My Tears Ricochet*".
- d. Plaintiff's poem, "*Sky Tinted Water*" contain unique expressions found in "*Hoax and Illicit Affairs*".
- e. Plaintiff's poem, "*Delusional Reality*" contain unique expressions found in "*Midnight Rain*".
- f. Plaintiff's poem, "*Black Cat*" contain unique expressions found in "*Death by a Thousand Cuts*".
- g. Plaintiff's poems, "*Ingenue*" and "*Innocence Lost*" contain unique expressions found in "*Robin*".
- h. Plaintiff's poem, "*The Fire*" contain unique expressions found in "*The Great War*".
- i. Plaintiff's poem, "*Breaking Waves*" contain unique expressions found in the music video for "*Cardigan*".
- j. Plaintiff's poems, "*Devious Minds*" and "*Noah*" contain unique expressions found in "*Clara Bow*", "*Guilty as Sin?*", "*Down Bad*".
- k. Plaintiff's poem, "*Stagnate*", contain unique expressions found in "*Right Where You Left Me and It's Time to Go*".
- l. Plaintiff's poems, "*Time*" and "*Invisible Matter*" contain unique expressions found in "*Invisible String*".
- m. Plaintiff's introduction to "Fallen" contain similar verbiage found in the introduction to "The Tortured Poet's Department".

Count I

COPYRIGHT INFRINGEMENT of “ORDINARY CITIZEN”

(17 U.S.C. § 106 and § 501)

By Plaintiff against Defendant

27. Plaintiff incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein. Plaintiff created *Dealing* as an original expression of creative writings. The poem “*Ordinary Citizen*” is part of *Dealing* (2018).

28. Plaintiff has the exclusive rights, pursuant to Section 106 of the Copyright Act, to make derivative works, distribute and publicly perform her copyrighted Works. Defendants infringed Plaintiff’s exclusive rights under 17 U.S.C. §§ 106 and 602 by creating the song and video “*The Man*” containing original expressions derived from the poem “*Ordinary Citizen*” by copying the unique way Plaintiff expressed elements to form a protectable expression. Plaintiff’s poem, “*Ordinary Citizen*” (*Fallen from Grace*, 2018) published by Outskirts Press, includes this text:

“I’m running behind/You say its His word against mine/No one will listen/Because I’m only an ordinary citizen/So you tell me I’m guilty before committing a crime/I try to fly like a butterfly/But my wing was clipped by his lip.../Power only resides in my mind/as its His word against mine/After the sun sets/the earth is nothing but a dark shadow/Light remains in the Afterglow”. On an interesting note, the last word in this poem became the title of yet another song by Taylor Swift.

The Defendant used the same words (albeit changing a few words here and there) to come up with a strikingly similar, and powerful, expression in her song, “*The Man*” (*Lover*, August 2019):

The verse that was copied became the epitome and chorus for the song:

“[Chorus] I’m so sick of running as fast as I can/Wondering if I’d get there quicker if I was a man/And I’m so sick of them coming at me again/...Could all be separated from my good ideas and power moves/...And it’s all good if you’re bad”.

Defendants used the same unique expressions to describe a patriarchal corporate system of corruption. Plaintiff wrote about a female confronting adversity in a corporate environment. The song is not a general song about men being more powerful than women across all industries, but rather, specifically relates to an office setting where a boss oversees a female worker. This is exactly what the Plaintiff wrote in her poem, “*Ordinary Citizen*”.

Additional lyrics by the Defendants include “When everyone believes ya, what’s that like?” She is referring to how the man can lie and get away with it. The Plaintiff wrote,

“I’m running behind, you say it’s his word against mine. No one will listen, because I’m only an ordinary citizen, so you tell me I’m guilty before committing a crime, I try to fly like the butterfly, but my wing was clipped by his lip... it doesn’t matter...Power only resides in my mind. As the stateswoman told me, it’s his word against mine”.

The Plaintiff refers to how the man can lie and get away with it whereas a woman could never do that. The Defendant compares this to Beyonce’s song, “*If I Were a Boy*”. However, Beyonce is describing a boy in the world (not in an office setting) and how the boy should be more *compassionate* toward females. This is a completely different context and does not contain any similarities and doesn’t use any of the same unique expressions as the Plaintiff wrote. The Defendant also compares the poem to Chaka Khan’s, “*A Woman in a Man’s World*”. Khan’s lyrics include “In a dog-eat-dog, show biz town” referring to the entertainment industry and how she has a dream but that others drag her down because she is in a Man’s world. There are no similar unique expressions found in this song, and the context is different.

[Prepared with the help of an attorney]

Count II

COPYRIGHT INFRINGEMENT of “WHIRLWIND”

(17 U.S.C. § 106 and § 501)

By Plaintiff against Defendant

29. Plaintiff incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein. Plaintiff created Dealing as an original expression of creative writings. The Poem “*Whirlwind*” is part of Dealing (2018).

30. Plaintiff has the exclusive rights, pursuant to Section 106 of the Copyright Act, to make derivative works, distribute and publicly perform her copyrighted Works. Defendants infringed Plaintiff’s exclusive rights under 17 U.S.C. §§ 106 and 602 by creating the song titled “*Who’s Afraid of Little Old Me*” containing original expressions derived from the poems “*Whirlwind*” by copying the unique way Plaintiff expressed elements to form a protectable expression.

Plaintiff’s poem (Fallen from Grace, 2018) published by Outskirts Press, includes this text:

“They caged me and told me I’m crazy/No one would have believed Nellie Bly/Until she went undercover and revealed their lies/Now I’m standing in the midst of a whirlwind/Chaos all around me/Under investigation/Once again, I feel the coy tricks of retaliation.../But I know it’s you and you alone/Who will make what you are/I will continue to fight thru the storm”.

Defendant's lyrics include the same unique expression "*Who's Afraid of Little Old Me?*" (April 2024) The Defendant wrote

"The who's who of "Who's that?" is poised for the attack/But my bare hands paved their path/You caged me and told me I'm crazy/If you wanted me dead../"

The context of the two works describes a woman being gaslighted and attacked, while also acknowledging she created her own circumstance. Furthermore, the Plaintiff referenced Nellie Bly, who is a journalist from the 1880's, who wrote about the mentally ill in an insane asylum. The Defendant used the same context for their video, *Fortnight*, which portrays a woman like Nellie Bly working in an office using a typewriter and depicting a person in an insane asylum. In Nellie Bly's book, she is wearing a dress while working which resembles the same dress Taylor Swift wore in the video.

Count III

COPYRIGHT INFRINGEMENT of "SCORPION, BEAMS OF LIGHT, GASLIGHT and INNOCENCE LOST"

(17 U.S.C. § 106 and § 501)

By Plaintiff against Defendant

31. Plaintiff incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein. Plaintiff created Dealing and Fallen as an original expression of creative writings. The Poems "*Scorpion*", "*Beams of Light*" "*Gaslight*" and "*Innocence Lost*" are a part of Dealing (2018). The poem, "*Sky Tinted Water*" is a part of Fallen (2020).
32. Plaintiff has the exclusive rights, pursuant to Section 106 of the Copyright Act, to make derivative works, distribute and publicly perform her copyrighted Works. Defendants infringed

Plaintiff's exclusive rights under 17 U.S.C. §§ 106 and 602 by creating the song titled "***My Tears Ricochet***" containing original expressions derived from the poems

"*Scorpion*", "*Beams of Light*", "*Gaslight*" "*Innocence Lost*" "*Sky Tinted Water*" by copying the unique way Plaintiff expressed elements to form protectable expressions.

The Plaintiff's poem, "*Scorpion, and Beams of Light*" creatively depicts a person communicating with someone who is deceased.

In "*Scorpion*", the Plaintiff wrote:

"No apologies can remove the tears/When you're no longer here" and "Until I heard your laughter from above (from heaven)...and your words echoing: this is nothing but a shit show".

The Plaintiff's poem, "*Beams of Light*", she wrote about those who lost their lives during the 9-11 tragedy referring to the innocent lives ascending into heaven with this text:

"Where the souls of the innocence ascended/When the diabolical presence/Thought they would be the ones to enter Heaven's gate.../Only the innocent souls were accepted/The dark evil entity Devoured in the Fire/Doves dancing and singing high in the sky, and I can hear the beautiful choir/."

The Defendant's song, "*My Tears Ricochet*" (*Folklore*, 2020), includes this verse

"And I still talk to you (when I'm screaming at the sky)"

The Defendant rephrased what the Plaintiff wrote in saying "my tears ricochet (reflect) unto the person crying. The Plaintiff wrote about catching a single tear drop insinuating that her lover is trying to conceal his sadness but the pain the lover caused is also being reflected unto himself. He is not only causing her pain, but pain for himself. This is a very powerful part of the Plaintiff's poem in which the Defendant clearly copied.

The Plaintiff's poem, "*Innocence Lost*" includes this text:

"I caught your tear in my hand, and I fear, you're drowning in your own reflection/You're drowning in your own reflection"

The Defendant uses tears that get reflected or rather, ricochet. (The word ricochet is a synonym for being reflected off something).

The Defendant's verse "She's laughing up at us from Hell" is also strikingly similar to the Plaintiff's passage "...I heard her laughter from above (heaven)" using the same original **expression**.

The Plaintiff's poem, "*Gaslight*", includes the text:

"You're taunting me/ claiming its all for fun/A coward hides behind a gaslight/Stealing positive energy/Nowhere to run or hide/Unable to escape this tormentor.../When its obvious they are deliberately making me look crazy.../When the seven seas rise in anger/All the resources will be submerged under water/There will be nothing left in sight/This was the result of your Gaslight/"

The Defendant's song, *My Tears Ricochet*, include the text:

"I didn't have it in myself to go with grace/And so the battleships will sink beneath the waves/You had to kill me, but it killed you just the same".

The Defendant used the same unique expressions to being "submerged" under water and both losing everything. The Plaintiff wrote about a battle between two people (on water which represents life for everything that exists) where nothing will be left and that both will end up destroying each other. Also, the Plaintiff was a flight attendant during the tragic 9-11 event which inspired the poem, "*Beams of Light*" written by the Plaintiff.

Count IV

COPYRIGHT INFRINGEMENT of “SKY TINTED WATER”

(17 U.S.C. § 106 and § 501)

By Plaintiff against Defendant

33. Plaintiff incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein. Plaintiff created Fallen as an original expression of creative writings. The Poem “*Sky Tinted Water*” is a part of Fallen (2020).

34. Plaintiff has the exclusive rights, pursuant to Section 106 of the Copyright Act, to make derivative works, distribute and publicly perform her copyrighted Works. Defendants infringed Plaintiff’s exclusive rights under 17 U.S.C. §§ 106 and 602 by creating the song titled “*Hoax*” and “*Illicit Affairs*” containing original expressions derived from the poems by copying the unique way Plaintiff expressed elements to form protectable expressions

The Plaintiff’s poem, “*Sky Tinted Water*” includes this text:

“Sky tinted water/Your love is crystal clear.../Thought love would leave the way/Then I saw your reflection/And falsely led astray/I’m trying not to cry/Will you show me, how to compliment the sky?”

The Defendant’s song, “*Hoax*” includes this verse:

“Your faithless love is the only hoax I believe in”.

This is a rephrase of a person being falsely led to believe in love as written in “*Sky Tinted Water*”.

The Defendant’s song, “*Illicit Affairs*” (July 24, 2020), contains the text:

“You showed me colors you knew I couldn’t see with anyone else” as well as “I made you my temple, my mural, my sky”

These lyrics are strikingly similar to the Plaintiff's poem, "*Sky Tinted Water*", with the verse

"Will you show me how to complement the sky?".

Here, the Plaintiff has made someone to be beautiful, as if they were the same as a beautiful sky with implications that they sky is a big part of the Plaintiff's life. Again, this goes back to when the Plaintiff worked as a flight attendant and used to take pictures of the beautiful skies (Exhibit B). The Defendant used the same words, albeit changing a few, using the same unique and original expression.

Count V

COPYRIGHT INFRINGEMENT of "DELUSIONAL REALITY"

(17 U.S.C. § 106 and § 501)

By Plaintiff against Defendant

35. Plaintiff incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein. Plaintiff created Dealing as an original expression of creative writings. The Poem "*Delusional Reality*", is a part of Dealing (2018).

36. Plaintiff has the exclusive rights, pursuant to Section 106 of the Copyright Act, to make derivative works, distribute and publicly perform her copyrighted Works. Defendants infringed Plaintiff's exclusive rights under 17 U.S.C. §§ 106 and 602 by creating the song titled "**Midnight Rain**" containing original expressions derived from the poem "*Delusional Reality*" by copying the unique way Plaintiff expressed elements to form protectable expressions. Plaintiff's poem, "*Delusional Reality*" (*Dealing*, 2018), includes this verse:

"Drowning in my storm, waves crash the shore" and "with the clouds I rain, the smog consumes me"

This is a unique reference to actually being the rain/storm which is an original expression. The Defendant produced a song titled “*Midnight Rain*” and “*Long Story Short*” in 2020 and 2022 with this verse:

“I was midnight rain” and “*my waves* meet your shore”

The unique expression is how the plaintiff refers to physically being the rain/waves/ocean, rather being in the rain or storm. The Defendant compares Braid Paisley’s, “Perfect Storm” to “Midnight Rain”. While there is a bit more similarity with his song, they still differ in context as well as in figure of speech. Paisley is describing how his lover has both bad and good qualities and thus relates her to a storm and sunshine. This is not the same expression conveyed by the Plaintiff where she refers to being consumed by *her own* storm. In “Midnight Rain”, the Defendant describes *herself* as being rain and how she is *consumed* by it. “My waves crash your shore” is a unique phrase which was copied verbatim by the Defendant. Furthermore, the more similarities found, the stronger the infringement.

Count VI

COPYRIGHT INFRINGEMENT of “BLACK CAT”

(17 U.S.C. § 106 and § 501)

By Plaintiff against Defendant

37. Plaintiff incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein. Plaintiff created Dealing as an original expression of creative writings. The Poem “*Black Cat*” is a part of Dealing (2018).
38. Plaintiff has the exclusive rights, pursuant to Section 106 of the Copyright Act, to make derivative works, distribute and publicly perform her copyrighted Works. Defendants infringed

Plaintiff's exclusive rights under 17 U.S.C. §§ 106 and 602 by creating the song titled "***Death by a Thousand Cuts***" containing original expressions derived from the poem "*Black Cat*" by copying the unique way Plaintiff expressed elements to form protectable expressions.

The plaintiff used this text in "*Black Cat*":

"A certain cat has wrinkles around her envious eyes/The sun is blinding and ailing to her senescence/She tries to remain clandestine/But doesn't realize her four-inch claws don't culminate in pain/The devious black cat can only leave tiny scratch marks on my back".

The Defendant's song, "*Death by a Thousand Cuts*" (Aug 14, 2019) includes this verse:

"Cause I can't pretend it's okay when it's not" and "Trying to find a part of me that you didn't touch".

The Plaintiff's poem describes being "cut" when in actuality, it's not physical pain but rather emotional pain that is conveyed in this unique expression. Furthermore, she tries to remain secret as if the pain someone else is causing doesn't hurt and that it won't cause pain, even though it does but she remains "clandestine" to avoid revealing it.

Count VII

COPYRIGHT INFRINGEMENT of "INGENUE" and "INNOCENCE LOST"

(17 U.S.C. § 106 and § 501)

By Plaintiff against Defendant

39. Plaintiff incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein. Plaintiff created Dealing as an original expression of creative writings. The Poem "Ingenuer", is a part of Dealing (2018).
40. Plaintiff has the exclusive rights, pursuant to Section 106 of the Copyright Act, to make derivative works, distribute and publicly perform her copyrighted Works. Defendants infringed

Plaintiff's exclusive rights under 17 U.S.C. §§ 106 and 602 by creating the song titled "**Robin**" containing original expressions derived from the poem "*Ingenue*" by copying the unique way Plaintiff expressed elements to form protectable expressions.

The Defendant's song, "*Robin*", is about a young girl filled with imagination and innocence while an adult acknowledges the need to protect and guide her.

A verse the Defendant's song is:

"The time will arrive for the cruel and the mean. You'll learn to bounce back just like your trampoline" and "You're an animal, /you are bloodthirsty/Way to go, tiger".

A verse in the Plaintiff's poem, "*Innocence Lost*", is

"I wonder what she thinks of the world, if she only knew, it would turn mean and cruel".

In her poem, *Ingenue*, the Plaintiff wrote

"Just an ingenue, viewing the world as it is new/A girl once hungry, lost to starvation/of a cub who grew into a lion".

Both poems, including the Defendant's version, are about a child growing up in a world that will eventually turn mean and cruel and so the child needs guidance and protection, but that one day, she will turn into a lion and no longer need such care.

Count VIII

COPYRIGHT INFRINGEMENT of "THE FIRE"

(17 U.S.C. § 106 and § 501)

By Plaintiff against Defendant

41. Plaintiff incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein. Plaintiff created Fallen as an original expression of creative writings. The Poem "*The Fire*", is a part of Fallen (2018).

42. Plaintiff has the exclusive rights, pursuant to Section 106 of the Copyright Act, to make derivative works, distribute and publicly perform her copyrighted Works. Defendants infringed Plaintiff's exclusive rights under 17 U.S.C. §§ 106 and 602 by creating the song "***The Great War***" containing original expressions derived from the poem "*The Fire*" by copying the unique way Plaintiff expressed elements to form protectable expressions.

The Plaintiff's poem, "*The Fire*" includes this verse:

"Anger fuels our Desire/...I'm fighting fire with fire/...

Pick your battles wisely, they say".

The Defendant's song, *The Great War* (Oct 21, 2022) includes this verse:

"Diesel is Desire" and "Now I breathe fire each time we talk".

The Plaintiff uses a unique expression in writing *fuel* to ignite *desire* to *fight* each other in which the Defendant used the same words to convey the same expression.

Count IX

COPYRIGHT INFRINGEMENT of "BREAKING WAVES"

(17 U.S.C. § 106 and § 501)

By Plaintiff against Defendant

43. Plaintiff incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein. Plaintiff created Fallen as an original expression of creative writings. The Poem "*Breaking Waves*" is a part of Fallen (2018).

44. Plaintiff has the exclusive rights, pursuant to Section 106 of the Copyright Act, to make derivative works, distribute and publicly perform her copyrighted Works. Defendants infringed Plaintiff's exclusive rights under 17 U.S.C. §§ 106 and 602 by creating the

video “*Cardigan*” containing original expressions derived from the poem “*Breaking Waves*” by copying the unique way Plaintiff expressed elements to form protectable expressions.

The Plaintiff’s poem, “*Breaking Waves*” includes this verse:

“I realize I’m swimming in a fierce ocean, waves crashing over me/I dive into the high tide/between the breaking waves/swimming until I reach the calm/The calm is my saving grace”.

The Defendant’s video, *Cardigan* (July 24, 2020) depicts a person swimming in an ocean looking for something to calm her. The expression is about being stranded in a vast ocean while searching for something to calm (ease the tension) of being stranded all alone. The Plaintiff wrote about being stranded in an ocean looking for something to calm her.

Count X

COPYRIGHT INFRINGEMENT of “DEVIOUS MINDS”

(17 U.S.C. § 106 and § 501)

By Plaintiff against Defendant

45. Plaintiff incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein. Plaintiff created Dealing as an original expression of creative writings. The Poem “*Devious Minds*” is a part of Dealing (2018).

46. Plaintiff has the exclusive rights, pursuant to Section 106 of the Copyright Act, to make derivative works, distribute and publicly perform her copyrighted Works. Defendants infringed Plaintiff’s exclusive rights under 17 U.S.C. §§ 106 and 602 by creating the song “*Clara Bow*”, “*Down Bad*” and “*Guilty as Sin?*” containing original expressions derived from the poem “*Devious Minds*” by copying the unique way Plaintiff expressed elements to form protectable expressions.

The Plaintiff's poem, "*Devious Minds*" includes these verses:

"Its easy to blame and find fault
Easy to accuse and abuse
I know it began before Annie Oakley
But when the papers got a hold of her name
It was a pernicious disease running through the tabloids
Oh, but Annie didn't freeze
The next thing she did, she fought with pride
And the defamatory statements seemed to subside."

The Defendant's song, "Clara Bow", includes the lines:

"You look like Clara Bow in this light
Remarkable
All your life, did you know?
You'd be picked, like a rose
(Which sounds like Plaintiff's poem, "Sky Tinted Water",
With the lines "Don't you know?...searching low and high...
Will you show me how to compliment the sky?")

Defendant's song continued...

The crown is stained but you're the real queen
Flesh and blood amongst war machines
You're the new god we're worshipping
Promise to be ... dazzling"

The Defendants paraphrased what I wrote which is a unique expression that describes a person who is being worshipped yet they are being deceitful. Also, the Defendant's song is about a known figure from the 18th century, and she is being written about by the tabloids.

The Plaintiff's poem describes how Annie Oakley was painted in a negative light by the media.

The Defendant uses Clara Bow and how she is portrayed negatively by those "in town", yet she's "the real thing". When you compare the poem and the song, they both sound alike.

The Defendant compares the poems to Elton John's, "*Candle in the Wind*" but this song is completely different and doesn't use similar expressions. In "*Sky Tinted Water*", the Plaintiff is searching for love which the Defendant wrote in a similar way to describe the same situation.

The Plaintiff wrote a poem titled "*Noah*" in which a copyright registration was recently obtained.

However, the Plaintiff can show proof of when Noah was originally written as it was turned into a song with the help of a contractor on Fiverr in May of 2023.

A verse in Plaintiff's poem "*Noah*" is:

"Satan sends his Angels/*Deception in Flesh and blood*/Noah built a starship/to escape the red flood". Contrast this to "Flesh and blood amongst war machines".

The Plaintiff uses the term those who pretend to be noble humans in flesh and blood fighting a bloody battle (red flood).

A few lines from the Defendant's song, "Down Bad", include:

"Down bad, *waking up in blood*"

"Staring at the sky, come back and pick me up" while she is staring at a

"Starship"

The Defendant's song "*Clara Bow*" (April 19, 2024) includes this verse:

"Flesh and blood amongst war machines/ You're the new god we're worshipping
/Promise to be ... dazzling".

The Plaintiff's poem, "*Devious Minds*", is about Nellie Bly and how she worked, for a Fortnight (ten days) in an insane asylum. This was added as Exhibit B to show more evidence that the Defendant used the Plaintiff's writings which included a poem about Nellie Bly for her songwriting.

On yet another interesting note, the Defendant's song "*Guilty as Sin?*" is very similar to this poem as well. The Defendant sings:

I'm seeing visions, am I bad?
Or mad? Or wise?
What if he's written 'mine' on my upper thigh
Only in my mind?...
How can I be guilty as sin?

The Plaintiff's poem, "*Devious Minds*", include the verse:

Who are the shifty and the crooked?
When we look in the mirror
Do we see a reflection of our wrongdoing and transgressions?
How are we devious
When the world we live in is nothing other than a crime?
Are we going astray from the normal way?
Or is it just a figment of my imagination?
What is devious, if devious is the design?

The Plaintiff's poem, "*Devious Minds*", questions thoughts about the world and whether or not she is devious as it could all just be a "figment of [her] imagination" because she isn't sure what reality is. The Defendant's song, "*Guilty as Sin?*" questions whether she is guilty for imagining things for she isn't sure if she is really experiencing or imagining them. The Plaintiff used an original expression to question her sense of guilt, just as the Defendants did.

Count XI

COPYRIGHT INFRINGEMENT of "STAGNATE"

(17 U.S.C. § 106 and § 501)

By Plaintiff against Defendant

47. Plaintiff incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein. Plaintiff created Fallen as an original expression of creative writings. The Poem "*Stagnate*" is a part of Fallen (2018).

48. Plaintiff has the exclusive rights, pursuant to Section 106 of the Copyright Act, to make derivative works, distribute and publicly perform her copyrighted Works. Defendants infringed Plaintiff's exclusive rights under 17 U.S.C. §§ 106 and 602 by creating the song "***Right Where you Left Me***" and "***It's Time to Go***" containing original expressions derived from the poem "*Stagnate*" by copying the unique way Plaintiff expressed elements to form protectable expressions.

The Plaintiff's poem, "*Stagnate*" includes this verse:

"It's time to go/When will you let me go?/ I continue to drive forward, but you wont let me go" and in the poem *Scorpion*, the Plaintiff wrote "I waited at the bar/Didn't know by then you were gone too far".

The Defendant songs “*It’s Time to Go* and *Right Where you Left Me*” (both published in 2021) include this text using the same exact words:

“It’s time to go” and in “I’m still at the restaurant, right where you left me”.

The Plaintiff wrote about waiting at a bar realizing it was time for them to move on, yet the person “at the bar” didn’t realize this. The Plaintiff’s used an original expression of being left waiting to signify being stranded even though she not physically at a bar—this is just a form of expression originally created by the Plaintiff in which the Defendants used for their song.

Count XII

COPYRIGHT INFRINGEMENT of “INVISIBLE MATTER” and “TIME”

(17 U.S.C. § 106 and § 501)

By Plaintiff against Defendant

49. Plaintiff incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein. Plaintiff created “*Invisible Matter*” and “*Time*” as an original expression of creative writings. These poems are a part of Fallen (2018).

50. Plaintiff has the exclusive rights, pursuant to Section 106 of the Copyright Act, to make derivative works, distribute and publicly perform her copyrighted Works. Defendants infringed Plaintiff’s exclusive rights under 17 U.S.C. §§ 106 and 602 by writing “*Invisible String*” by copying the unique way Plaintiff expressed elements to form protectable expressions used to compose her introduction.

The Defendant song, “*Invisible String*”, include these lyrics:

“Were there clues I didn’t see?/ All along there was some invisible string tying you to me?/A string that pulled me out of all the wrong arms, right into that dive bar/All along

there was some invisible string tying you to me. Cold was the steel of my axe to grind/For the boys who broke my heart”.

In the Plaintiff’s poem, “*Invisible Matter*”, some verses include,

“She is invisible, she hears the laughter and the cry, she sees the beauty and the pain, she knows everything but reveals not a thing, sometimes she is warm but can turn cold in an instance, she can stir up a storm and become voracious/She’s always by my side whispering in my ear and knowing my deepest thoughts/she travels far and reaches high/She goes thru your soul and entwines your hair, she will always be there as we grow/absorbing the rain and turning it into beautiful rainbows”.

The Defendant’s song discusses being led by an invisible power bringing both good and bad things. This is the same unique expression the Plaintiff used in her poem.

The Plaintiff’s poem, “*Time*” (*Dealing*, 2018), includes this verse:

“Time, what is time? All I know, it’s never been kind”.

The Defendant’s song, “*Invisible String*” (July 2020), includes this verse

“Time, mystical time, cutting me open then healing me fine”.

The Defendant used the same words to convey the same meaning, questioning time (time is mystical—mysterious) and that Time can hurt (never been kind) and (cutting me open). The Defendant rephrased the Plaintiff’s poem, using the same words but changing a few here and there to express the same exact unique expression.

Count XIII

COPYRIGHT INFRINGEMENT of the

introduction to the book, Fallen 2019

(17 U.S.C. § 106 and § 501)

By Plaintiff against Defendant

51. Plaintiff incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein. Plaintiff created Fallen as an original expression of creative writings. The introduction to the book is a part of Fallen (2018).

52. Plaintiff has the exclusive rights, pursuant to Section 106 of the Copyright Act, to make derivative works, distribute and publicly perform her copyrighted Works. Defendants infringed Plaintiff's exclusive rights under 17 U.S.C. §§ 106 and 602 by writing the **introduction** to "*The Tortured Poets Department*" by copying the unique way Plaintiff expressed elements to form protectable expressions used to compose her introduction.

The Plaintiff's book Fallen, 2019 includes a novel plus poems. The introduction, which can be found in the book, includes this paragraph:

"This anthology combines Kimberly's poetry written throughout the years reflecting the times and a previous published book titled, *Fallen from Grace*. The writing was inspired by societal issues, personal challenges of anxiety and fear to expressions of hope and dreams."

The Defendant used the same words (albeit changing a few) for her introduction for *The Tortured Poets Department* (April 2024) with this paragraph:

“An anthology of new works that reflect events, opinions and sentiments from a fleeting and fatalistic moment in time — one that was both sensational and sorrowful in equal measure.”

The Defendants simply paraphrased the introduction written by the Plaintiff.

53. The copyright registrations for “The Works”: can be found in **Exhibit A**. Pictures of the pages with poems and other images are included in **Exhibit B**. Also, a chart with page numbers corresponding to the poems and text is presented in **Exhibit C**.

54. A “substantial similarity” exists where the accused work is so similar to the Plaintiff’s work that an ordinary reasonable person would conclude that the Defendant unlawfully appropriated the Plaintiff’s protectable expression by taking material of substance and value.” Stromback, 384 F.3d at 297 (internal quotation marks omitted). In a case such as this, it is appropriate to examine the theme, characters, plot, sequence, pace, and setting for similarities. Williams v. Crichton, 84 F.3d 581, 588 (2d Cir. 1996). In the end, the question is whether, based upon his “net impression” of the works’ expressive elements, the ordinary lay observer would find them substantially similar to one another.

55. The Plaintiff wrote many original and unique expressions that are subject to copyright protection. Kearns v. Ford Motor Co., 726 F. Supp. 159 (E.D. Mich. 1989): Robert Kearns, the inventor of the intermittent windshield wiper, sued Ford and Chrysler for copying his invention. On cross-examination, Kearns (litigated pro se), had Ford’s expert read the

opening paragraph of Charles Dickens' "*A Tale of Two Cities*," after which **he had to admit that Dickens had not created any of the words he used in that famous paragraph, but that the artistry came in how those words were put together.**

56. The Defendant states that works must be identical to show infringement. However, according to Minclaw.com, "Because direct proof of copying is uncommon, plaintiffs frequently rely on circumstantial evidence of access and substantial similarity. Some courts apply the "inverse ratio rule," holding that the stronger the evidence of access, the less similarity is needed to infer copying (and vice versa)." Also, as noted online, reversing lines or changing some words to convey the same message is a way for an infringer to try to hide the infringement. When two works use original and unique expressions of thought, then the expressions are copyrightable.

57. The similarity inquiry used to indirectly establish copying is referred to as 'probative similarity' and is 'somewhat akin to, but different than, the requirement of substantial similarity' that must be shown to prove copyright infringement." *T-Peg, Inc. v. Timber Works, Inc.*, 459 F.3d at 111. Determining probative similarity "**involves dissection of the work . . . to assess whether there are sufficient articulable similarities to justify a finding that the defendant has copied from the protected work.**"

58. Access can be proven by showing that the Plaintiff's work was widely disseminated or that the defendant encountered it through a chain of events, such as working in the same industry. It is important to note that in the digital age, **access is often assumed. Actual viewing of the protected material is not required to establish access;** access means merely a **reasonable opportunity to view the material.** See *Grubb v. KMS Patriots, L.P.*, 88 F.3d 1, 3 (1st Cir. 1996). And as previously stated, Plaintiff sufficiently established through uncontested

material facts that Defendants had an opportunity to see the works published by the Plaintiff. Further adding to the inference of actual copying, Plaintiff has shown sufficient uncontested material facts to establish probative similarity. Coquico, 562 F.3d at 67 (“What we have called “probative similarity” can, when accompanied by proof of access, serve as harbinger of actual copying.”). Original1 has proof that her books were published not just nationwide, but globally and has proof of hundreds of purchases but this is not necessary to show access. Access is simply showing proof that a publication was made available to the public at large, which it was. Again, as cited by an attorney’s website (included in a previous response), “access is assumed in the digital age” when works are published online.

59. Words that develop full expressions of thought and are written creatively, are protected under copyright law. The Plaintiff’s writings are not mere metaphors. **Metaphors** compare two things that can be real by themselves. For example, the phrase “she sings like a lark” is a metaphor as it compares a female to that of a songbird. A metaphor is a short, brief comparison between two things and that’s it, nothing more. **Short phrases** include names, titles, and slogans and are not full sentences. The Plaintiff’s writing includes complete sentences which contain a subject and a predicate, conveying a complete thought. A **Phrase** is a short or long group of words that doesn’t convey a complete thought. As far as **themes** go, this would be more about context and context should be analyzed when comparing works. The Plaintiff never stated that individual words by themselves are copyrightable.

60. Ideas vs Elements of Expression: According to The Copyright Society

(Copyrightsociety.org): The words you use to tell a story, the picture that you paint, and the lyrics to a song [or poem] you wrote are all types of “expression.” Until you set these things down on paper or in a Recording, they are nothing more than ideas.

61. The dance was not included as a Count because Original1 does not have a valid copyright certification for the dance at this time. While all works are protected as soon as they are made in tangible form, they still need to be registered with the Office of Copyright to file an infringement claim. The Plaintiff is in the process of having all other works registered and can show proof when they were created. Original1 is not claiming infringement with **her** written poetry about Nellie Bly. The passages and images of Nellie Bly were included in the Exhibits section for added context.
62. Refer to Exhibit C for a side-by-side comparisons between the Plaintiff's work and that of the Defendant with specific page numbers, paragraph numbers, verse numbers, images and text.
63. Counts vs Exhibits: The allegations of copyright infringement are written as "Counts" in the Complaint. All other copying, images and the dance are included as "Exhibits" as they are not being litigated for infringement, but rather to show evidence of willful copying by the Defendant.
64. Publications: The Plaintiff's (Original1) book (Dealing, 2018) was published by Outskirts Press Publishing Company with an annual contract that ended in 2019. Therefore, it is no longer available online but can be obtained by calling the publishing company. The other book written by Original1 (Fallen, 2019) that includes more poems was self-published and available on Amazon KDP. Original1 can provide digital as well as hard copies of both books if needed. The pages were downloaded for reference in the Complaint. Another publisher, Ukiyoto, re-published (Dealing, 2018) in 2019. This book may still be purchased via their outlets.

FACTS

65. Plaintiff is the Owner of a valid copyright registration in the Works.
66. Defendants had access to the Works. The Work was publicly available for sale online.
67. Defendants have never been licensed or given permission to use the Works, at issue in this action, for any purpose.
68. Defendants infringed Plaintiff's exclusive rights under 17 U.S.C. §§ 106 and 602 by unlawfully copying protected elements from the Work in making an unauthorized derivative work in violation of 17 U.S.C. § 501
69. On information and belief, TSP infringed Plaintiff's exclusive rights under 17 U.S.C. §§ 106 and 602 by creating video content using the infringing derivative songs, distributing copies of the works, and publicly performing the infringing derivative songs online and in concerts without Plaintiff's authorization in violation of 17 U.S.C. § 501.
70. In 2023, Plaintiff reviewed the music performed by Swift and promoted by TSP and the related videos produced by TSP in light of her copyright protected Works to find a substantial similarity
71. On information and belief, the Plaintiff found Defendants took from plaintiff's Work unique and creatively written expressions that appeal to readers for whom the Work is composed, that Defendants wrongfully copied protectable elements which belong to the Plaintiff
72. On information and belief Plaintiff found substantial similarity not only of the general ideas but of the expressions of those ideas as well by Defendants in creating the derivative songs.
73. The Defendants have infringed Plaintiff's rights by creating and performing derivative works of such a large quantity of Plaintiff's poems that the possibility of independent creation, coincidence or use of a prior common source are precluded. The portions of the Work copied

comprise protected original expression and are of such importance to the copied work that the appropriation is actionable. The Defendants acted with reckless disregard of the possibility that their conduct represented infringement so as to make the infringing conduct willful by making derivative works from the Work that was publicly sold as a copyrighted book.

74. Plaintiff has been damaged. The harm caused to Plaintiff is irreparable. Plaintiff never gave Swift or TSP permission or authority to copy or prepare derivative works of the Works at issue in this case. On information and belief, Defendants profit by distributing and performing the derivative works in the District. Defendants' acts of infringement are willful, intentional and purposeful, in disregard of and with indifference to Plaintiff's rights.

CAUSE OF ACTION

(Copyright Infringement - 17 U.S.C. § 101, et seq.)

75. Plaintiff repeats and realleges each of the foregoing Paragraphs as though fully set forth herein. The Defendants' reproduction, distribution, and sales of the infringing work, including the TSP *Lover* book, *Folklore*, *Midnights*, and *The Tortured Poets Department* in the United States and internationally, continue to this day, and Defendants have not deigned to compensate the copyright owner (KM) for the use of the copyrighted work. The Defendants' reproduction, distribution, licensing, merchandizing, and economic exploitation of the albums, including the work being used in the "Eras Tour", and authorizing others to do the same, infringes Plaintiff's exclusive rights under the Copyright Act.

76. As a direct and/or proximate result of the Defendants' wrongful conduct, the Plaintiff has been irreparably harmed, suffered damage, and defendant has profited in an amount to be determined at trial. Said injuries are continuing and will not abate in the future. Such

reproduction and release were wholly unauthorized as it was without any license or consent of authority from the Plaintiff (KM). By virtue of this unauthorized commercial exploitation, the Defendants have realized illegal revenues.

77. Pursuant to 17 U.S.C. § 504(c), the Plaintiff is entitled to statutory damages since the infringement occurred after the copyright was registered.

78. WHEREFORE, the Plaintiff respectfully requests that judgment be entered against the enumerated Defendants, as follows: A. For judgment that all of the Defendant, by virtue of their involvement with the creation, publication, reproduction, public dissemination, and distribution of the albums: *Lover*, *Folklore*, *Midnights* and *The Tortured Poet's Department*, as well as material used in the "Eras Tour", have violated the Copyright Act; B. For judgment assessing Defendant's for the damages in excess of seven million dollars suffered by Plaintiff, including an award of actual damages and Defendants' profits attributable to the infringement, or statutory damages (at Plaintiff's election), under the Copyright Act, as well as costs and attorney's fees to the full extent provided for by Sections 501, 504 and 505 of the Copyright Act, 17 U.S.C. §§ 501, 504 and 505; damages and profits shall include all profits and damages resulting from exploitation of the work domestically and internationally.

REQUEST FOR TRIAL BY JURY

79. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury as to all issues trial by jury, as enumerated and set forth in more detail in this Complaint.

Dated: *Oct 2, 2024*



Kimberly Marasco, Plaintiff
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