SMALL CLAIMS COMPLAINT / AFFIDAVIT

Plaintiff(s) Kimberly Marasco

Address 1561 Pheasant Walk
Unit C
Fort Pierce, FL 34950

Phone 772-277-1785

Defendant(s) ~~Taylor Swift~~, ~~13 Management Co~~,
Taylor Swift Productions, Inc.
~~718 Thompson Ln~~ 3310 West End Ave.
c/o Milom Joyce Horsnell Crow
Nashville, TN ~~37204~~ 37203

Phone (615) 590-4050

Please check one of the selections below for individuals filing on behalf of corporation or LLC:

__ **Attorney** __ **Bona Fide Officer** __ **Salaried Employee**

COMPLAINT: ***State in your own words the nature of the Claim.***

I have a certificate of registration for my creative works which include poetry, art, images, and themes from my published books on sale for wide distribution. I recently discovered that Ms. Swift had strikingly similar lyrics, themes, images included on her Eras Tour, including a dance routine I choreographed using a chair. Ms. Swift did not receive permission, nor has she provided any mention, compensation or attribution to use my creatove works. Please see attached for more info.

AMOUNT CLAIMED $ ~~499~~ 100 **(DO NOT INCLUDE COURT COSTS) with statutory interest from the date of judgment OR- interest at the annual rate of** 1 **% from the** 10 **day of** April **, 20**24 **; and court costs.**

The undersigned, first being duly sworn, on oath states that he/she is/are the plaintiff or agent for a corporate plaintiff in the above named claim; that said claim is for the payment of money; that the nature of plaintiff's demand is as stated; that there is due to plaintiff(s) from defendant(s) the amount stated above; AND THAT DEFENDANT(S) IS/ARE NOT NOW IN THE MILITARY OR NAVAL SERVICE OF THE UNITED STATES.

The above complaint is true to the best of my belief,

Kimberly Marasco
Plaintiff or Plaintiff's Attorney

Plaintiff or Plaintiff's Attorney

Subscribed and sworn to before me, on this 10th **day of** April **, 20**24.

Melissa Brewer
Deputy Clerk

CLERK OF CIRCUIT COURT & COMPTROLLER ST. LUCIE COUNTY IN GOD WE TRUST MICHELLE R. MILLER

****

REQUEST FOR ORDINARY MAIL SERVICE IF CERTIFIED MAIL IS REFUSED OR UNCLAIMED:

The undersigned respectfully request service by ordinary mail, same address, or last known address furnished by U. S. Post Office, if attempted service by Certified Mail is returned "Refused" or "Unclaimed".

(Civ Rule 4.1 (1) & 4.6 ©, (d), & (e)

Title of work:
Fallen from Grace registered as TXU002200550
Dealing with a Chronic Illness: Vestibular Neuritis registered as TXu2061218
Author: Kimberly Marasco
Effective date 06/11/2017 and 06/01/2019

My original book titled *Fallen from Grace* was submitted to hundreds of literary agencies on QueryTracker.net username Kam290, before being sent to Outskirts Press, then to Ukiyoto Publishers, and finally on Amazon KDP for public mass distribution.

I owned a valid copyright of the work, and have been given an exclusive license to the copyright rights at issue in the work, 2. The respondent used one of the exclusive rights in the work without permission, 3. The respondent had access to the work, meaning a reasonable opportunity to view or hear your work, and 4. The respondent's work is substantially similar to the original elements of expression of the original work.

Copyright infringement under the 1976 Act, described by the US Supreme Court in *Feist Publications, Inc., v. Rural Telephone Service Co.*, is (1) whether there is a valid copyright, and (2) whether there has been improper copying of the copyrighted work. The second prong also has a two-part test, first articulated in the Second Circuit case *Arnstein v. Porter*: (a) whether copying occurred (as opposed to independent creation), and (b) whether the copying amounts to an "improper appropriation", meaning that enough of the author's protected *expression* (and not unprotected *ideas*) was copied to give rise to a "substantial similarity" between the original work and the putative copy." Paraphrasing original works is considered plagiarism. The acceptable degree of difference between a prior work and a paraphrase depends on a variety of factors and ultimately depends on the judgement of the court in each individual case. United States copyright law protects original *expressions*. Paraphrase may apply to music as well as to writing.

I am the author of two books: The first titled *Fallen from Grace*, and the second, *Dealing with a Chronic Illness: Vestibular Neuritis* (which was a "working title"). The manuscripts were sent to the copyright office for certification and published for mass distribution which justifies the element of access. The second title was later changed to *Songs of the Unsung*. Ive included many poems I previously wrote that are unique and personal. I created my own, unique, metaphors to describe personal events that I have personally endured.

Lets first start with Ms. Swift's song, The Man and my poem Ordinary Citizen. Taylor's lyrics in are **"I'm running as fast as I can / wonder if I would get there faster if I was a man / is strikingly similar to my poem: *Ordinary Citizen*, where I wrote: "I'm running behind/ You say it's His word against mine"**
The poem, *Ordinary Citizen*, (included in both books by Marasco) begins with the sentence "Im running behind, you say its His word against mine". Notice the emphasis on the word "His" with a capital letter.
The third verse of Taylor's song begins with a very similar sentence "I'm so sick of running as fast as I can / Wondering if I'd get there quicker If I was a man"

Marasco's poem uses an original metaphor to express that no matter how hard she works, her efforts are futile in relation to that of a man. The poem describes Marasco's personal experiences working in a corporate environment where she cannot get ahead no matter how much work she puts in.

Here are additional lines from Marasco's version:
Im Running behind /You say it's His word against mine / No one will listen Because Im only a girl /Just 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...
I am only an ordinary citizen/ A female whose power only resides in my mind
As the Stateswoman told me Its His word against mine / ...Who then decides on granting absolution? / Is it He who tells me I am only an ordinary citizen? / I fall into redundancy
As rights are hidden in the Constitution / As His word transforms the denotation
I don't know what it will take / But somehow, I cope Because in love alone, I am solaced by Loves beacon of hope / As an ordinary citizen I know after the sun sets
And the earth is nothing but a dark shadow / Light remains in the Afterglow (Swift also used this last word that is capitalized for another song title)

Swift version includes the lines **"And I'm so sick of them coming at me again, 'Cause if I was a man, Then I'd be the man". I described how I "fall into redundancy" because no matter what, her colleagues only show support for the male figure, not the female**.
Ms. Swift rephrased this with these lines below:
I'd be a fearless leader / I'd be an alpha type / **When everyone believes ya /What's that like? They'd say I hustled/ Put in the work They wouldn't shake their heads and question how much of this I deserve** What I was wearing If I was rude **Could all be separated from my good ideas and power moves? And I'm so sick of them coming at me again 'Cause if I was a man Then I'd be the man**

About a year after I published my poem, Swift came out with her very eerily similar version. Also, Ms. Swift clearly used "line reversal" which is a strategy used by others to try to hide the infringement. However, line reversal is still subject to copyright laws. My poem conveys the exact same message using the same unique metaphors. Taylor Swift paraphrased this entire poem.

Another poem I wrote is *Scorpion* where I described the death of someone close to me while still talking to her while continuing to deal with the aftermath of her loss. This entire idea is unique and creatively written. However, Swift took the same exact idea and used it in her song. Here is some more information about the similarities between Swift's song, *Tears Ricochet*, and Marasco's song *Scorpion*.
My poem was published in (the working title), *Dealing with a Chronic Illness: Vestibular Neuritis*, include the poems below:
Taylor's lyrics in *Tears Ricochet* (2020): "**And I still talk to you: when I'm screaming at the sky" resembles Marasco's poem, Scorpion (2017), where she wrote "I can hear her laughter echoing to us from above, yelling to us below: this is nothing but a shit show".**

Swift's song, *Tears Ricochet:*
We gather here, we line up / Weepin' in a sunlit room /and If I'm on fire, you'll be made of ashes too / Even on my worst day, did I deserve, babe All the hell you gave me?
'Cause I loved you, I swear I loved you / 'Til my dying day... I didn't have it in myself to go with grace / 'Cause when I'd fight, you used to tell me I was brave And if I'm dead to you / why are you at the wake? Cursing my name, wishing I stayed Look at how my tears ricochet...

And I still talk to you (when I'm screaming at the sky) / And when you can't sleep at night (you hear my stolen lullabies) / I didn't have it in myself to go with grace/ And so the battleships will sink beneath the waves

My poem, *Scorpion*, included in both books, *Fallen from Grance and Dealing with a Chronic Illness: Vestibular Neuritis (Retitled to Songs of the Unsung*):
That night I waited for you at the bar / Didn't know by then you were already gone to far
Did my words become to much to bear? / Were you listening when I didn't lend an ear?
No apologies can remove the tears/ when you are no longer here / You told me you weren't going to participate in the drama / Was it something I said? Something I did? Or did you find a way to escape reality? / That morning I wrote, not knowing it was a somber presage to the calamity / Ive been strong all along, until now...I feel sorrow Until I heard your laughter from above / Echoing to us below: Yelling, this is nothing but a shit show
The creative element of the writing is shown in how the message was conveyed thru use of imagery and placing mortal characteristics (yelling, speaking, etc) with the afterlife.

Here are some other similarities amongst other poems and that of Ms. Swift's songs.
Taylor wrote **"I was midnight rain**" in her song, *Midnight Rain* (2022) which is strikingly similar to Marasco's poem *Whirlwind* (2017) where she wrote "**With the clouds I rain, the smog consumes me**". This is a unique metaphor stating she IS rain (rather than being in the rain or using rain as an analogy for sadness).
Taylor Swift's song *Invisible String* (I wrote a poem titled *Invisible Power*, but we wont discuss the part about ***being led*** by an invisible power). Instead, please review this passage: Taylor wrote "**Time, mystical time, cutting me open then healing me fine:** which is strikingly similar to my poem, *Time*, where I wrote "**Time, what is time? All I know, it's never been very kind**". (I wrote about Time and tried to understand it, questioning it, and that it caused pain). This is a unique and creatively written poem. Ms. Swift wrote the same exact message.
In Marasco's poem, *Innocence Lost*, I wrote, "**I caught your tear in my hand, and I fear, you're drowning in your own reflection**". The title *Tears Ricochet* is rephrasing my verse that describes, metaphorically, about catching someone's tears being reflected back onto them. Furthermore, Swift wrote **Cursing my name, wishing I stayed /You turned into your worst fears. I wrote, "I fear you are drowning in your own reflection."** This is an original expression.
Marasco's poem, *Sky Tinted Water*, is about someone who was lost looking for love. I describe, metaphorically, that water is reflecting the sky with implications that they both reflect love unto each other in synchrony. A verse in my poem is "**Can you show me how to complement the sky?"** Taylor's song, *Willow,* she sings, "**I'm like the water when your ship rolled in that**

night, rough on the surface but you cut through like a knife". The similarities in these two writings are in the usage of metaphors and placing human qualities and human emotions to elements of nature. - specifically with reference to water. Furthermore, Taylor's song, *Illicit Affairs*, she sings "**You showed me colors you know I cant see with anyone else" and "I made you my temple, my mural, my sky**". In *Sky Tinted Water*, Marasco wrote about love and how she "**was falsely led astray**" and Taylor's song, *Hoax,* describes believing in a "**false love".**
My poem, *Stagnate*, describes feeling stuck in a relationship as that is coming to an end but unable to go until her lover lets her leave. A verse in my poem is **"....its time to go/When will you let me go?".** Taylor's songs, *Right Where you Left Me*, and *It's Time to Go* both resemble the poem, *Stagnate*. She uses the same exact words here as well as the same context and expressions.

My poem, *Stagnate*, Includes these passages:
Its time to go / when will you let me go?
Keep trying to get through/something keeps holding me back/and I am stagnate in this light/ Now. This is how you see me. /Then. That is how you've known me. / Later. You wont ever be. The barrier between you and I/Is that ive remain stagnate in this light/The future holds the key...I continue to try to drive forward But you wont ride with me / Held back, my gear shifts in reverse /Never realizing what is meant to be..... Its time to go, when will you let me go?

Ms. Swifts song, *When Will You Let Me Go* , includes these passages:
I'm right where you left me / Help, I'm still at the restaurant Still sitting in a corner I haunt
Cross-legged in the dim light / They say, "What a sad sight"
I, I stayed there / Right where you left me / You left me no, oh, you left me no
You left me no choice but to stay here forever...
Taylor used the exact expression to show how she was left at the restaurant bar "stagnate" which is a metaphor for the relationship ending.
Taylor goes on to write: Did you ever hear about the girl who got frozen? Time went on for everybody else, she won't know it She's still 23 inside her fantasy
How it was supposed to be Did you hear about the girl who lives in delusion?...
'Cause I'm right where I'm right where you left me You left me no choice but to stay here forever

Ms. Marasco has filed her books with the copyright office and has a certification of registration. Please see attached documents for review.