

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NICOLETTE RAHNER,

Plaintiff,

v.

THE INDIVIDUALS, BUSINESS ENTITIES,
AND UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A,"

Defendants.

Case No. 25-cv-1560

FILED UNDER SEAL

DECLARATION OF NICOLETTE RAHNER

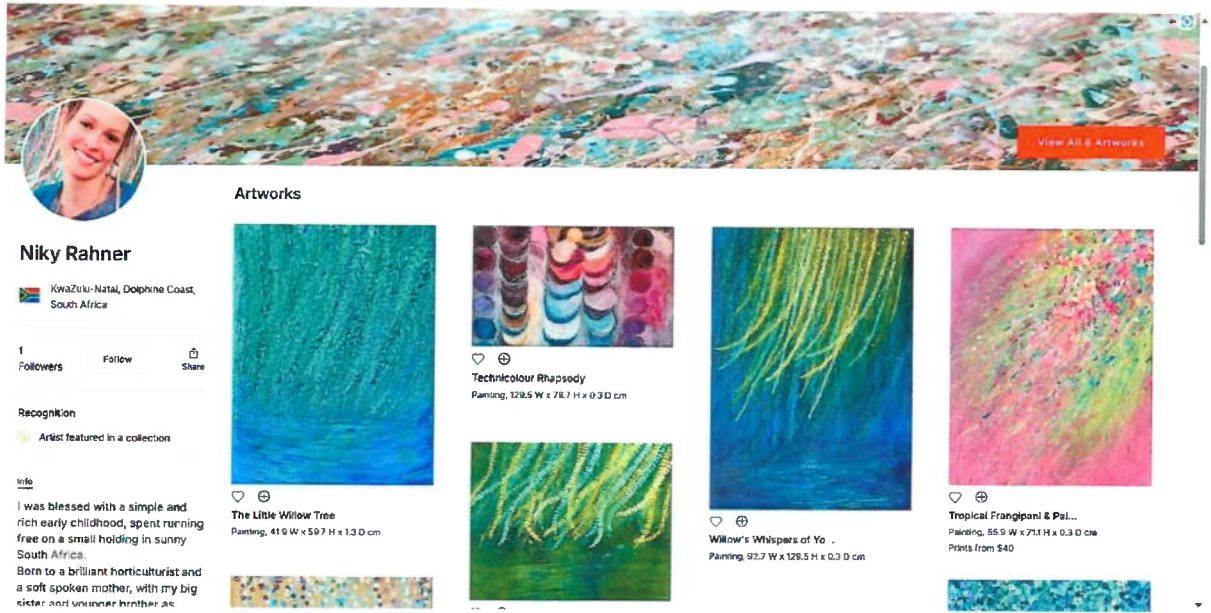
I, NICOLETTE RAHNER, declare and state as follows:

1. This declaration is based upon my personal knowledge of the facts stated herein or on the business records that were made at the time or in the regular course of business. If called as a witness, I could and would testify to the statements made herein.

2. I am the artist that creates all the Nicolette Rahner Works and the Plaintiff in this lawsuit. I make this declaration from matters within my knowledge save where otherwise stated.

3. I am an artist who produces work under the names "Nicolette Rahner" and "Niky Rahner." I fell in love with art at a young age exploring creative freedom and painting. This boundless gift of creative freedom instilled in me a profound love for painting freely and developed my artistic style. My paintings take shape organically, capturing the essence of joy and uninhibited creativity I experienced in my formative years. I hope to transcend a feeling of joyful freedom, and the magical, unbridled spirit of my childhood to viewers of my art. My work has been showcased at several galleries in South Africa.

4. I am the official source of products associated with the Nicolette Rahner Works (the "Nicolette Rahner Products"):



https://www.saatchiart.com/en-ph/nikyrahner?srsId=AfmBOooASE86atdPPnqTdpJyEbSxHeL2f2TI4UAPgZM_BbnRWZ59Zfvd

5. I am the owner of the copyright registrations for the Nicolette Rahner copyrighted works, which include United States Copyright Registration Nos. VA 2-429-889; and VA 2-429-887 (the “Nicolette Rahner Works”). True and correct copies of the copyright registrations for the Nicolette Rahner Works are attached to the Complaint as **Exhibit 1**.



6. I control the quality of all materials and content that feature the distinctive Nicolette Rahner Works.



7. Substantial time, money, and other resources have been expended in developing, advertising, licensing, and otherwise promoting the Nicolette Rahner Works. As a result, the images are widely recognized and exclusively associated by consumers, the public, and the trade with my professional identity as an artist.

8. The success and acclaim of the Nicolette Rahner Works has resulted in significant infringement of my copyright. Consequently, an anti-pirating program has been implemented to

investigate suspicious websites and online marketplace listings identified in proactive internet sweeps. Various marketplace listings have been identified on multiple platforms, including the internet stores identified in Schedule A attached to the Complaint (“Defendant Internet Stores”), which were offering for sale, selling, and/or importing unauthorized copies of the Nicolette Rahner Products to consumers in this judicial district and throughout the United States.

9. I am aware of investigations related to internet-based infringement of the Nicolette Rahner Works. The investigations show that Defendants are using the Defendant Internet Stores to sell infringing Nicolette Rahner Products from foreign countries such as China to consumers in the United States. I, or someone working under my direction, analyzed the Defendant Internet Stores and determined that infringing Nicolette Rahner Products were being offered for sale to the United States, including Pennsylvania. The Defendants and their websites do not conduct business with me and do not have the right or authority to use the copyrights for any reason. Below is a side-by-side comparison of the Nicolette Rahner Works and examples of Defendants’ products reviewed that embody the copyrighted Nicolette Rahner Works:

Reg. Number	Title of Work	Copyrighted Work	Defendants’ Image
VA 2-429-889	Impressionist Canvas Print		 <p data-bbox="1084 1633 1307 1696">Def #1-4, 6-9, 89, 97-198</p>

Reg. Number	Title of Work	Copyrighted Work	Defendants' Image
VA 2-429-887	Acrylic Painting Art Print		 Def #5, 10-88, 90-96

10. Monetary damages alone cannot adequately compensate me for the ongoing infringement because monetary damages fail to address the loss of control of and damage to my reputation, goodwill, and control over the nature of the derivative works made using my copyrighted material. Furthermore, monetary damages are difficult, if not impossible, to completely ascertain due to the inability to fully quantify the monetary damage caused to my reputation and goodwill by acts of infringement.

11. My goodwill and reputation are irreparably damaged when the Nicolette Rahner Works are used on unauthorized goods. I am further irreparably harmed by the unauthorized use of the Nicolette Rahner copyrighted materials because infringers take away my ability to control the nature and quality of products bearing the Nicolette Rahner Works and derivative works.

12. I am further irreparably damaged due to a loss of exclusivity. The copyright rights in the Nicolette Rahner Works are meant to be exclusive rights.

13. The marketing and distribution of the Nicolette Rahner Works and derivative works are aimed at growing and sustaining sales. When infringers use the Nicolette Rahner Works

without authorization, the exclusivity associated with the Nicolette Rahner Works, as well as my reputation, is damaged and eroded, resulting in a loss of unquantifiable future sales.

14. Uncontrolled profiteering and pirating of the Nicolette Rahner Works create the impression that the copyright rights associated with the Nicolette Rahner Works may be infringed with impunity. The Nicolette Rahner Works are distinctive and signify to consumers that products are authorized by me and are manufactured to my high-quality standards. The devaluing of the intellectual property associated with the Nicolette Rahner Works cannot be compensated for financially since it erodes my ability to monetize the Nicolette Rahner Works.

15. I will suffer immediate and irreparable injury, loss, or damage if an *ex parte* Temporary Restraining Order is not issued in accordance with Federal Rule of Civil Procedure 65(b)(1).

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

Executed on Jun 12, 2025

Nicolette Rahner

Nicolette Rahner