

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 21-62119-CIV-HUCK**

OMEGA SA, *et al.*

Plaintiffs,

vs.

COPYOMEGAWATCHES.CO, *et al.*

Defendants.

**PLAINTIFFS' MOTION FOR ORDER AUTHORIZING
PLAINTIFFS TO INITIATE DISCOVERY**

Plaintiffs Omega SA, Blancpain SA, Compagnie des Montres Longines, Francillon S.A., Glashütter Uhrenbetrieb GmbH, Hamilton International AG, Montres Breguet S.A., Rado Uhren AG, and Tissot SA (collectively "Plaintiffs"), by and through their undersigned counsel, hereby move this Court for an Order Authorizing the Initiation of Discovery. As grounds therefore, Plaintiffs state as follows:

1. On October 12, 2021, Plaintiffs filed their Complaint against Defendants alleging trademark counterfeiting and infringement, false designation of origin, common law unfair competition, and common law trademark infringement [ECF No. 1].

2. On October 18, 2021, Plaintiffs filed their Motion for Order Authorizing Alternate Service of Process on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3) (the "Motion for Alternate Service of Process") [ECF No. 5].

3. On October 20, 2021, the Court entered an Order Granting Motion for Alternate Service [ECF No. 7], authorizing Plaintiffs to serve the Summonses, Complaint, and all future filings in this action upon Defendants via electronic mail ("e-mail") and via Plaintiffs'

designated serving notice website appearing at the URL

<http://servingnotice.com/Qs3o12/index.html>.

4. Pursuant to the Court's Order authorizing alternate service, Plaintiffs served each Defendant with its respective Summons and a copy of the Complaint by e-mail and via Plaintiffs' designated serving notice website appearing on November 4, 2021. (See Declaration of Virgilio Gigante in Support of Motion for Order Authorizing Plaintiffs to Initiate Discovery ["Gigante Decl."] ¶ 3, filed herewith; see also Proof of Service on file with the Court [ECF No. 17].)

5. On November 4, 2021, Plaintiffs also advised Defendants of the parties' requirement to confer pursuant to Rule 26(f)), Federal Rules of Civil Procedure, and requested Defendants respond to Plaintiffs' request to confer. To date, Plaintiffs have not received any response from any of the Defendants in connection with the request to confer. (Gigante Decl. ¶ 4.)

6. As Defendants have refused to confer with Plaintiffs in connection with this matter, Plaintiffs hereby move the Court, pursuant to Rule 26(d)(1), Federal Rules of Civil Procedure, for an Order allowing Plaintiffs to begin discovery in this matter. Pursuant to Rule 26(d)(1):

A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosures under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order.

7. As Plaintiffs have attempted to confer with Defendants, and since Defendants have been unresponsive in connection with Plaintiffs' attempt to confer, Plaintiffs respectfully submit they should be allowed to proceed with discovery in this matter so that Plaintiffs may gather information they are entitled to regarding the extent of Defendants' illegal counterfeiting

operations. Under similar factual circumstances, plaintiffs in this District have been granted the right to proceed with discovery.¹

WHEREFORE, Plaintiffs respectfully request, for good cause shown, this Court issue an Order authorizing Plaintiffs to initiate discovery in this matter.

DATED: November 12, 2021.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: **Virgilio Gigante**/
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¹ Richemont International SA v. The Individuals, Business Entities, and Unincorporated Ass'ns, 21-cv-60950-AHS (S.D. June 4, 2021) (Order authorizing the plaintiffs to initiate discovery after the defendants failed to confer as required by Rule 26(f)); Chanel, Inc. v. The Individuals, Partnerships, and Unincorporated Associations, Case 20-cv-62591-WPD (S.D. Fla. Feb. 10, 2021) (same); Richemont International SA v. The Individuals, Partnerships, and Unincorporated Associations, Case No. 20-cv-62624-JIC (S.D. Jan. 29, 2021) (same); Louis Vuitton Malletier v. The Individuals, Partnerships, and Unincorporated Associations, Case No. 20-cv-61681-Dimitrouleas (S.D. Fla. Oct. 22, 2020) (same); Whirlpool Corporation v. discountfridgefilter.com, Case No. 19-cv-63115-RS (S.D. Fla. Mar. 2, 2020) (same); Chanel, Inc. v. chanel.mcm, Case No. 18-cv-62477-Dimitrouleas (S.D. Fla. Nov. 16, 2018) (same); Chanel, Inc. v. The Individuals, Partnerships, and Unincorporated Associations, Case 18-cv-61081-RNS (S.D. Fla. July 23, 2018) (same); Reeds Jewelers, Inc. v. droeb.com, Case No. 19-cv-61710-RAR (S.D. Fla. July 30, 2019) (same); Sandvik Intellectual Property AB v. Simports, Case No. 19-cv-60215-Altonaga (S.D. Fla. March 7, 2019) (same); Louis Vuitton Malletier, S.A. v. aaimitationbags.com, Case No. 18-cv-62354-Altonaga (S.D. Fla. Nov. 7, 2018); Audemars Piguet Holding SA v. 1forclock.ru, Case No. 18-cv-60351-Bloom (S.D. Fla. March 21, 2018) (same); Chanel, Inc. v. 726usjsIS, Case 17-cv-60715-BB (S.D. Fla. May 5, 2017) (same); Goyard St-Honore v. Leung, Case No. 15-cv-62508-Cohn (S.D. Fla. Feb. 1, 2016) (same).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 12, 2021, a true copy of the foregoing was served upon Defendants via e-mail and via website posting by posting copies on Plaintiffs' designated website appearing at the URL <http://servingnotice.com/Qs3o12/index.html>.

Virgilio Gigante
Virgilio Gigante