UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 25-24046-CIV-BECERRA

TAYLOR MADE GOLF COMPANY, INC.,

Plaintiff,

vs.

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

Defendants.
_____/

PLAINTIFF'S VERIFIED RESPONSE TO THE COURT'S ORDER REGARDING PROCEDURES IN SCHEDULE "A" CAUSES OF ACTION

Plaintiff, Taylor Made Golf Company, Inc. ("Taylor Made Golf" or "Plaintiff"), by and through its undersigned counsel, hereby submits this verified response to the Court's Order Regarding Procedures in Schedule "A" Causes of Action ("Order") [ECF No. 4]. In support thereof, Plaintiff states as follows:

1. On September 5, 2025, my firm conducted a search on the Public Access to Court Electronic Records ("PACER") of case filings through the United States case index search, in compliance with the Court's Order [ECF No. 4], and confirmed Plaintiff has not filed against the Defendants at issue in any other district.

2. Plaintiff has prepared an *Ex Parte* Application seeking temporary *ex parte* relief and an *Ex Parte* Motion for alternate service under Federal Rule of Civil Procedure 4(f)(3) pursuant to L.R. 5.4(d) using the CM/ECF events specifically earmarked for *ex parte* filings, which requires, unless the Court directs otherwise, that *ex parte* filings be restricted from public view. These motions are being filed separately at ECF Nos. 8 and 9, contemporaneously herewith.

3. As noted in Plaintiff's *Ex Parte* Application, filed at ECF No. 8, Plaintiff has verified that this Court has personal jurisdiction over each Defendant. Plaintiff's Complaint alleges the Court has personal jurisdiction over each Defendant, because each Defendant is a non-resident of the United States and has offered to sell goods using counterfeits of Plaintiff's trademarks to consumers in this district. (Compl. ¶¶ 2, 9, 13, 31.) The Eleventh Circuit has held that Florida's long-arm statute permits jurisdiction over a nonresident defendant who commits a tort outside of the state that causes injury inside the state. Licciardello v. Lovelady, 544 F.3d 1280, 1283 (11th Cir. 2008). Further, the Eleventh Circuit has specifically stated that trademark claims under the Lanham Act allege tortious acts for long-arm purposes. Louis Vuitton Malletier, S.A. v. Mosseri, 736 F.3d 1339, 1353 (11th Cir. 2013).

4. Additionally, Plaintiff's *Ex Parte* Application sets forth the requisite elements and establishes entitlement to the relief with regard to each Defendant.

5. Moreover, because Plaintiff is filing its *Ex Parte* Application at ECF No. 8 without notice to Defendants, Plaintiff's counsel is submitting a declaration in support of the *Ex Parte* Application to certify why *ex parte* relief is warranted and the reasons as to why notice to Defendants in this matter should not be required. (See ECF No. 8-7 at ¶ 7.)

6. Plaintiff's *Ex Parte* Motion for alternate service under Federal Rule of Civil Procedure 4(f)(3), filed at ECF No. 9, encompasses the Court's requirements for such motions and attaches sworn declarations regarding each Defendant's purported domicile and the efforts Plaintiff has undertaken to verify any physical addresses. Plaintiff's *Ex Parte* Motion for alternate service further specifies the form of alternate service being requested and whether these forms are permitted by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents as to each Defendant's purported domicile.

7. Separately, Plaintiff is also filing a Motion to Seal, ECF No. 7, using the CM/ECF events specifically earmarked for a motion to seal. Plaintiff's Motion to Seal requests the Court allow two documents to be filed under seal: (i) Schedule A to Plaintiff's Complaint; and (ii) Summonses as to Defendants. In compliance with L.R. 5.4(b), Plaintiff's Motion to Seal sets forth the factual and legal basis for departing from the policy that Court filings are public and describes the documents to be sealed without attaching or revealing the content of the proposed sealed material. To that end, Plaintiff's Complaint notes that Schedule "A" has been redacted pursuant to L.R. 5.4(b)(1) as that section is the subject of Plaintiff's Motion to File Under Seal. (See ECF No. 1 at p. 22.)

8. Accordingly, Plaintiff respectfully submits its motion at ECF No. 7, and its *Ex Parte* Motions filed at ECF Nos. 8 and 9 are being filed in compliance with the terms of the Court's Omnibus Order.

DATED: September 10, 2025.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

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VERIFICATION

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed September 10, 2025, at Ft. Lauderdale, Florida.

Virgilio Gigante