

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 23-62077-CIV-COHN/VALLE

STEPHEN M. GAFFIGAN, an individual, and
STEPHEN M. GAFFIGAN P.A., a Florida
corporation,

Plaintiffs,

vs.

THE INDIVIDUAL, BUSINESS ENTITY, OR
UNINCORPORATED ASSOCIATION
OPERATING THE DOMAIN NAMES,
STEPHENMGAFFIGANPA.COM and
ATTORNEYSTEPHENMGAFFIGANPA.CO
M, and THE INDIVIDUAL, BUSINESS
ENTITY, OR UNINCORPORATED
ASSOCIATION OPERATING UNDER THE
FACEBOOK SOCIAL MEDIA IDENTITY,
STEPHEN M. GAFFIGAN PA,

Defendants.

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FINAL DEFAULT JUDGMENT

THIS CAUSE is before the Court upon Plaintiffs' Motion for Entry of Final Default Judgment against Defendants [DE 29] ("Motion"). The Motion seeks a final default judgment against Defendants, the Individual, Business Entity, or Unincorporated Association operating the domain names, stephenmgaffiganpa.com and attorneystephenmgaffiganpa.com, and the Individual, Business Entity, or Unincorporated Association operating under the Facebook social media identity, Stephen M. Gaffigan PA, both identified on Schedule "A" attached hereto

("Defendants"). The Court has reviewed the Motion, the supporting Declaration [DE 29-1], and the entire file of this case, and notes Defendants' failure to timely respond to the Motion.

The Court granted the Motion in an Order entered separately today. Pursuant to Federal Rule of Civil Procedure 58(a), the Court enters this separate final judgment.. Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. Judgment is entered in favor of Plaintiffs, Stephen M. Gaffigan ("Gaffigan"), an individual, and Stephen M. Gaffigan, P.A., a Florida corporation ("SMGPA") (collectively "Plaintiffs") and against Defendants identified on Schedule "A" hereto.
2. Plaintiffs are entitled to the following Permanent Injunctive Relief:

Defendants and their officers, directors, employees, agents, representatives, subsidiaries, distributors, and all persons acting in concert and participation with Defendants are permanently restrained and enjoined from:

- (a) using, imitating and/or copying Plaintiffs' trademarks, name, likeness, and/or persona in connection with the promotion, marketing, advertising, offering to sell and/or sale of the Impersonated Legal Services bearing Plaintiffs' trademarks, name, likeness, and/or persona;
- (b) using Plaintiffs' trademarks, name, likeness, and/or persona in connection with the sale of any unauthorized services;
- (c) using any trade name, trademarks, name, image or likeness that may be calculated to falsely advertise the Impersonated Legal Services as being sponsored by, authorized by, endorsed by, or in any way associated with Plaintiffs;
- (d) falsely representing themselves as being connected with Plaintiffs, through sponsorship or association;
- (e) engaging in any act that is likely to falsely cause members of the trade and/or the public to believe services of Defendants are in any way endorsed by, approved by, and/or associated with Plaintiffs;
- (f) affixing, applying, annexing, or using in connection with the sale of any

services, a false description or representation, including words or other symbols tending to falsely describe or represent Defendants' services as being those of Plaintiffs, or in any way endorsed by Plaintiffs and from offering such services in commerce;

- (g) otherwise unfairly competing with Plaintiffs;
- (h) using Gaffigan's name, image, likeness and/or persona, related firm names, and the SMGPA Marks within domain name extensions, metatags, or other markers within website source code, from use on any webpage (including as the title of any web page), from any advertising links to other websites, from search engines' databases or cache memory, and any other form of use of such terms that are visible to a computer user or serves to direct computer searches to websites and social media accounts registered, owned, or operated by any Defendant, including the websites and social media account operating under the Subject Domain Names and Social Media Account; and
- (i) effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth above.

3. Plaintiffs are entitled to the following additional equitable relief:

- (a) To give practical effect to the Permanent Injunction, the domain names identified on Schedule "A" hereto ("Subject Domain Names") are hereby ordered to be immediately transferred by Defendants, their assignees and/or successors in interest or title, and the Registrars to Plaintiffs' control. To the extent the current Registrars do not facilitate the transfer of the Subject Domain Names to Plaintiffs' control within five (5) days of receipt of this Judgment, upon Plaintiffs' request, the top level domain (TLD) Registry for each of the Subject Domain Names, or their administrators, including backend registry operators or administrators, shall, within thirty (30) days, (i) change the Registrar of Record for the Subject Domain Names to a Registrar of Plaintiffs' choosing, and that Registrar shall transfer the Subject Domain Names to Plaintiffs, or (ii) place the Subject Domain Names on Registry Hold status for the life of the current registration, thus removing them from the TLD zone files maintained by the Registries which link the Subject Domain Names to the IP addresses where the associated websites are hosted;
- (b) Plaintiffs may serve this injunction on any Internet search engines, social media platforms, advertising platforms, or service provider referring or linking users to any specific URLs of the Subject Domain Names with a request that the service provider permanently disable the references or links to, and/or permanently de-index or delist any

specific URLs identified by Plaintiffs which are being used by Defendants in connection with the unlawful activities being conducted via the Subject Domain Names as a whole and via the URLs identified by Plaintiffs;

- (c) Plaintiffs may serve this injunction on the domain name registrar(s) and/or the privacy protection service(s) for the Subject Domain Names and Social Media Account to disclose to Plaintiffs the true identities and contact information for the registrants of the Subject Domain Names and Social Media Account;
- (d) Plaintiffs may serve this injunction on any service provider with a request to permanently cease providing any services to Defendants in connection with any and all domain names, including but not limited to, the Subject Domain Names, and websites through which Defendants engage in the promotion, advertising, and marketing campaigns making unauthorized use of Plaintiffs' trademarks, name, likeness, and/or persona, including permanently deleting the Subject Domain Names from its DNS used for the DoH (1.1.1.1).
- (e) Defendants, their agent(s) or assign(s), shall assign all rights, title, and interest, including copyright interest, to the images and content located at the Subject Domain Names and Social Media Account to Plaintiffs and, if within five (5) days of receipt of this Order Defendants fail to make such an assignment, the Court shall order the act to be done by another person appointed by the Court at Defendants' expense, such as the Clerk of Court, pursuant to Federal Rule of Civil Procedure 70(a);
- (f) Defendants, their agent(s) or assign(s), shall instruct in writing all search engines to permanently delist or deindex the Subject Domain Name(s) and, if within five (5) days of receipt of this Order Defendants fail to make such a written instruction, the Court shall order the act to be done by another person appointed by the Court at Defendants' expense, such as the Clerk of Court, pursuant to Federal Rule of Civil Procedure 70(a);
- (g) Defendants, their agent(s) or assign(s), shall instruct the Registrar(s) for each of their Subject Domain Name(s) to permanently close the domain registration account(s) in which any Subject Domain Name(s) are located and, if within five (5) days of receipt of this Order Defendants fail to make such a written instruction, the Court shall order the act to be done by another person appointed by the Court at Defendants' expense, such as the Clerk of Court, pursuant to Federal Rule of Civil Procedure 70(a); and
- (h) Defendants, their agent(s) or assign(s), shall instruct in writing all service providers to permanently cease providing any services to Defendants in connection with any and all domain names, including but

not limited to the Subject Domain Name(s), and websites through which Defendants engage in the promotion, advertising, and marketing campaigns making unauthorized use of Plaintiffs' trademarks, name, likeness, and/or persona, including permanently deleting the Subject Domain Names from its DNS used for the DoH (1.1.1.1), and, if within five (5) days of entry of such order any Defendant fails to make such a written instruction, the Court order the act to be done by another person appointed by the Court at Defendant's expense, such as the Clerk of Court, pursuant to Federal Rule of Civil Procedure 70(a).

4. The bond posted by Plaintiffs in the amount of \$10,000.00 [DE 12] is ordered to be released by the Clerk of Court.
5. The Court retains jurisdiction to enforce this Judgment and permanent injunction.
6. The Clerk of Court is directed to **CLOSE** this case and **DENY as moot** all pending motions.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, on this 8th day of February, 2024.



JAMES I. COHN
United States District Judge

Copy Provided:
Counsel of record via CM/ECF

SCHEDULE "A"
DEFENDANTS' SUBJECT DOMAIN NAMES, SOCIAL MEDIA ACCOUNT
URLS, AND E-MAIL ADDRESSES

Def No.	Subject Domain Names / Social Media Account	URLs	E-mail Addresses
1	stephenmgaffiganpa.com	https://stephenmgaffiganpa.com/	attorney@stephenmgaffiganpa.com smg@attorneystephenmgaffiganpa.com
1	attorneystephenmgaffiganpa.com	http://www.attorneystephenmgaffiganpa.com/	attorneysmginternenf@gmail.com
2	Stephen M. Gaffigan PA	https://www.facebook.com/profile.php?id=100007613086985	