

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.C
OM, and THE INDIVIDUAL, BUSINESS
ENTITY, OR UNINCORPORATED
ASSOCIATION OPERATING UNDER
THE FACEBOOK SOCIAL MEDIA
IDENTITY, STEPHEN M. GAFFIGAN PA,

Defendants.

**ORDER GRANTING MOTION TO AMEND THE AMENDED FINAL DEFAULT
JUDGMENT AND PERMANENT INJUNCTION TO INCLUDE ADDITIONAL DOMAIN
NAME OPERATED BY DEFENDANT NUMBER 1**

THIS CAUSE is before the Court upon Plaintiffs' Motion to Amend the Amended Final Default Judgment and Permanent Injunction to Include Additional Domain Name Operated By Defendant Number 1 [DE 40] ("Motion"). The Court has carefully reviewed the Motion and the record and is otherwise fully advised in the premises.

On January 24, 2024, Plaintiffs filed their Motion for Entry of 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” thereto (“Defendants”) for failure to appear, answer, or otherwise plead to the Complaint within the time required. See DE 29 (Plaintiff’s Motion for Entry of Final Default Judgment Against Defendants). On February 8, 2024, this Court granted Plaintiff’s Motion [DE 30] and entered a Final Default Judgment (“Permanent Injunction”) [DE 31], which permanently enjoined Defendants and their officers, directors, employees, agents, representatives, subsidiaries, distributors, and all persons acting in concert and participation with Defendants, *inter alia*, from using, imitating and/or copying Plaintiffs’ trademarks, name, likeness, and/or persona, and from falsely representing themselves as being connected with Plaintiffs through sponsorship or association. See DE 31 at 2, 6.

On June 10, 2024, Plaintiffs filed their Motion to Amend Final Default Judgment to Include Additional Domain Name Operated by Defendant Number 1 (the “Motion to Amend Permanent Injunction”) [DE 37], which the Court subsequently granted on June 25, 2024, [DE 38], and entered an Amended Final Default Judgment (the “Amended Permanent Injunction”) [DE 39].

After the entry of the Court’s Amended Permanent Injunction, Plaintiffs learned Defendant Number 1 (the “Noncomplying Defendant”) continued to wrongfully use Gaffigan’s name, image, likeness, and persona (collectively, “Gaffigan’s Name”) and SMGPA’s common law trademarks through its newly discovered alias domain name and associated website identified on Schedule “A” to Plaintiffs’ instant Motion. See DE 40 at 7.


A Court that issues a permanent injunction retains continuing jurisdiction to modify

it whenever the principles of equity require it to do so. Permanent injunctions may be modified to impose more stringent requirements to ensure the original purposes of the injunction are met. *Exxon Corp. v. Texas Motor Exchange of Houston, Inc.*, 628 F.2d 500, 503 (5th Cir. 1980). If the relief originally ordered has not produced the intended result, the Court “should modify the decree so as to achieve the required result with all appropriate expedition.” *United States v. United Shoe Machinery Corp.*, 391 U.S. 244, 252, 88 S. Ct. 1496, 7401 (1968). Modification of an injunction is particularly appropriate where, as here, the defendant has acted to frustrate the purpose of the original injunction. See *Philip Morris USA, Inc. v. Otamedia Ltd.*, 331 F. Supp. 2d 228 (S.D.N.Y. 2004) (amending permanent injunction). Accordingly, it is hereby

ORDERED AND ADJUDGED that Plaintiffs’ Motion to Amend the Amended Final Default Judgment and Permanent Injunction to Include Additional Domain Name Operated By Defendant Number 1 [DE 40] is **GRANTED** as follows:

1. In accordance with Federal Rule of Civil Procedure 58, a separate amended final judgment will be entered.
2. Plaintiff is ordered to serve a copy of this Order upon the Noncomplying Defendant via e-mail to the e-mail addresses provided by the Noncomplying Defendant as part of the data related to its domain names, including customer service e-mail addresses and/or onsite contact forms, or service via registrar of record for the websites’ domain names; and by publicly posting a true and accurate copy of the foregoing on Plaintiffs’ Website appearing at <https://servingnotice.com/GX1c0w/index.html>.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida,
on this 5th day of September, 2024.



JAMES I. COHN
United States District Judge

Copies provided to:
Counsel of record via CM/ECF

SCHEDULE "A"
NONCOMPLYING DEFENDANTS BY NUMBER AND
ADDITIONAL SUBJECT DOMAIN NAME

Defendant Number	Defendant / Additional Subject Domain Name
1	stephenmgaffigan.com