

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 23-61007-CIV-SMITH**

GUCCI AMERICA, INC.,

Plaintiff,

vs.

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

Defendants.

---

**DECLARATION OF T. RAQUEL WIBORG-RODRIGUEZ IN SUPPORT OF  
PLAINTIFF'S *EX PARTE* APPLICATION FOR ENTRY OF TEMPORARY  
RESTRAINING ORDER, PRELIMINARY INJUNCTION, AND  
ORDER RESTRAINING TRANSFER OF ASSETS**

I, T. Raquel Wiborg-Rodriguez, declare and state as follows:

1. I am an attorney for Plaintiff, Gucci America, Inc. ("Plaintiff" or "Gucci"), in the above captioned action. I submit this declaration in support of Plaintiff's *Ex Parte* Application for Entry of Temporary Restraining Order, Preliminary Injunction, and Order Restraining Transfer of Assets (the "Application for Temporary Restraining Order") against Defendants, the Individuals, Business Entities, and Unincorporated Associations identified on Schedule "A" to the Application for Temporary Restraining Order ("Defendants"). I am personally knowledgeable of the matters set forth in this declaration and, if called upon to do so, I could and would competently testify to the following facts set forth below.

**RE: INVESTIGATION OF DEFENDANTS**

2. On Plaintiff's behalf, my firm retained Invisible Inc, a licensed private investigative firm, to investigate the suspected sales of counterfeit Gucci-branded products by

Defendants and to obtain the available payment account data for receipt of funds paid to Defendants for the sale of counterfeit Gucci branded products. At the conclusion of the investigation, I received the detailed web pages captured and downloaded by Invisible Inc reflecting each Gucci-branded product ordered<sup>1</sup> via the Internet based e-commerce stores identified on Schedule "A" to the Application for Temporary Restraining Order (the "E-commerce Store Names") and provided copies of the same to Gucci's representative, Sydney Kipen, for review. True and correct copies of the web page captures produced by Invisible Inc, and provided to my firm thereafter, reflecting samples of the Gucci-branded goods Defendants are promoting, advertising, offering for sale, and selling via the Internet based e-commerce stores operating under the E-commerce Store Names are attached as Composite Exhibit "1" to the Declaration of Kathleen Burns in Support of Plaintiff's Application for Temporary Restraining Order.

3. My firm obtained the publicly available domain name registration data ("WHOIS" records) for the Internet websites operating under Defendants' E-commerce Store Names. Additionally, my firm obtained the available e-mail addresses and onsite contact forms identified in connection with Defendants' respective Internet based e-commerce stores.

**RE: EX PARTE RELIEF**

4. It has been my experience that in multiple litigations involving online counterfeiting that, in the absence of a temporary restraining order without notice, Defendants can and will significantly alter the status quo before the Court can determine the parties' respective rights. In particular, the Internet based e-commerce stores at issue herein are under Defendants' complete control. Thus, Defendants can change the ownership or modify e-

---

<sup>1</sup> Invisible Inc was instructed to not transmit the funds to finalize the sale for the orders for some of the Defendants so as to avoid adding money to Defendants' coffers.

commerce store data and content, change payment accounts, redirect consumer traffic to other seller identification names, and transfer assets and ownership of the E-commerce Store Names. Such modifications can happen in a short span of time after Defendants are provided with notice of this action. Thus, Defendants can easily electronically transfer and secret the funds sought to be restrained if they obtain advance notice of Plaintiff's Application for Temporary Restraining Order and thereby thwart the Court's ability to grant meaningful relief and can completely erase the status quo. As Defendants engage in illegal trademark counterfeiting activities, Gucci has no reason to believe Defendants will make their assets available for recovery pursuant to an accounting of profits or will adhere to the authority of this Court any more than they have adhered to federal trademark law. This case is being filed on an *ex parte* basis to prevent such an injustice from occurring herein.

**RE: RESTRAINT OF ASSETS**

5. Gucci obtained evidence that Defendants use money transfer and retention services with PayPal, Inc. ("PayPal") or utilize Stripe, Inc. ("Stripe"), a third-party payment processing service, as a method to receive monies generated through the sale of counterfeit products. Based on past experience in similar cases, I reasonably believe that PayPal and Stripe have the ability to and will in fact comply with a temporary restraining order of the type now sought by Gucci.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed the 31st day of May, 2023, at Miami Shores, Florida.

  
T. Raquel Wiborg-Rodriguez