

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 25-21058-CIV-ALTMAN**

OMEGA SA,

Plaintiff,

vs.

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

Defendants.

**DECLARATION OF VIRGILIO GIGANTE IN SUPPORT OF
PLAINTIFF’S MOTION FOR ENTRY OF DEFAULT FINAL JUDGMENT**

I, Virgilio Gigante, declare and state as follows:

1. I am the attorney for Plaintiff, Omega SA (“Omega” or “Plaintiff”), in the above captioned action. I submit this Declaration in support of Plaintiff’s Motion for Entry of Default Final Judgment Against Defendants, the Individuals, Business Entities, and Unincorporated Associations identified on Schedule “A” to Plaintiff’s Motion for Entry of Default Final Judgment (collectively “Defendants”) and, if called upon to do so, I could and would competently testify to the following facts set forth below.

2. On March 10, 2025, Omega filed its *Ex Parte* Application for Entry of Temporary Restraining Order, Preliminary Injunction, and Order Restraining Transfer of Assets (the “Application for Temporary Restraining Order”), [ECF No. 6]. I hereby incorporate by reference all factual allegations contained in my Declaration filed in support of Omega’s Application for Temporary Restraining Order, [ECF No. 6-2].

3. On March 18, 2025, the Court entered a Sealed Order Granting *Ex Parte* Temporary Restraining Order [ECF No. 9] and subsequently converted the temporary restraining order into a preliminary injunction on April 18, 2025, [ECF No. 25]. The Temporary Restraining Order and preliminary injunction required, *inter alia*, PayPal, Inc. (“PayPal”),¹ and its related companies and affiliates to identify and restrain all funds in Defendants’ associated payment accounts and divert those funds to a holding account for the trust of the Court. Subsequently, my firm received notice from PayPal that it complied with the requirements of the Court’s Order.

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4. On March 7, 2025, Omega filed its Complaint, [ECF No. 1], and on March 27, 2025, its Amended Complaint for Damages and Injunctive Relief against Defendants, [ECF No. 17].

5. On March 10, 2025, Omega filed its *Ex Parte* Motion for Order Authorizing Alternate Service of Process on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3), [ECF No. 7], which the Court subsequently granted on March 18, 2025, [ECF No. 10], authorizing Omega to serve the Summonses, Complaint, and all other future filings in this matter upon Defendants via electronic mail (“e-mail”) and via website posting by posting copies of the same on Omega’s designated serving notice website appearing at the URL <https://servingnotice.com/Qa9m7h/index.html>.

¹ Omega learned Defendant Numbers 1, 4, 5, 6, 10, 14, 16, 22, 31, and 34 were using additional PayPal accounts to receive money in connection with their respective E-commerce Store Names, and under some newly identified aliases operated by Defendant Numbers 1, 6, 10, 14, 16, and 31. (See Notice of Identification of Additional Aliases for Defendant Numbers 1, 6, 10, 14, 16, and 31 and Additional Financial Accounts Used by Defendant Numbers 1, 4, 5, 6, 10, 14, 16, 22, 31, and 34, [ECF No. 28].) Accordingly, pursuant to the Court’s Temporary Restraining Order, Omega requested PayPal restrain the funds in those Defendants’ respective additional PayPal accounts. (See *id.*)

6. Pursuant to the Court's Order granting Omega's Motion for Alternate Service, on March 27, 2025, Omega served Defendants with their respective Summons and a copy of the Amended Complaint via e-mail service and via website posting. (See [ECF No. 20], Proof of Service on file with the Court.)

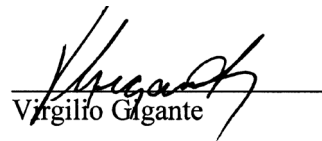
7. The time allowed for Defendants to respond to the Amended Complaint has expired.

8. To date, Defendants have not filed any responsive pleadings to the Amended Complaint, have not requested an enlargement of time to respond to the Amended Complaint, nor have Defendants entered a formal appearance *pro se* or by counsel on their behalf.

9. I am informed and believe that none of the Defendants are infants or incompetent persons, and, upon information and belief, the Servicemembers Civil Relief Act does not apply.

10. On April 29, 2025, Omega filed its Request for Clerk's Entry of Default as to Defendants [ECF No. 26], and the Clerk entered default against all Defendants on the same day, for failure to plead or otherwise defend pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, [ECF No. 27].

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed May 6, 2025, at Ft. Lauderdale, Florida.


Virgilio Gigante