

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 25-22026-CIV-BECERRA

TISSOT SA,

Plaintiff,

vs.

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

Defendants. /

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**PLAINTIFF'S NOTICE OF INABILITY TO COMPLY**

Plaintiff Tissot SA ("Plaintiff"), by and through its undersigned counsel, hereby gives notice of its inability to comply with certain provisions set forth in the Court's Order Regarding Procedures in Schedule "A" Causes of Action, dated June 16, 2025 [ECF No. 8], and states as follows:

1. On June 16, 2025, the Court entered an Order Regarding Procedures in Schedule "A" Causes of Action ("Order Regarding Procedures") [ECF No. 8].
2. The Order Regarding Procedures notes that "Federal Rule of Civil Procedure 4(m) requires service of summons and complaint to be perfected upon Defendants within 90 days after the filing of the complaint." See Order Regarding Procedures [ECF No. 8]. The Order Regarding Procedures further requires that "[u]nless service is waived, proof of service must be made to the Court by filing the server's affidavit ... [f]ailure to file proof of service or show good cause within 90 days will result in a dismissal without prejudice and without further notice." See id.
3. Plaintiff filed its Complaint for Damages and Injunctive Relief on May 2, 2025 [ECF No. 1], and 90 days from that date is July 31, 2025.

4. Federal Rule of Civil Procedure 4(m), “does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1).” See FED. R. CIV. P. 4(m) (2025). Indeed, Plaintiff’s *Ex Parte* Renewed Motion for Order Authorizing Alternate Service of Process on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3) [ECF No. 15] requests the Court enter an order authorizing an alternative form of service of process under Rule 4(f)(3) based upon the fact that Defendants reside in or operate from foreign jurisdictions.<sup>1</sup>

5. As of the filing of this Notice, Plaintiff’s Renewed *Ex Parte* Motion has not been decided.<sup>2</sup> As such, Plaintiff has been unable to move forward with service of process and is therefore unable to comply with filing the requisite proof of service at this time.

6. Plaintiff respectfully submits that upon the Court’s ruling on the requests for Plaintiff’s *ex parte* relief, and if granted, the relief ordered therein has been effectuated, Plaintiff will move forward with service of process and file proof of service within seven (7) days thereof.

DATED: July 28, 2025.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: **Virgilio Gigante**

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Attorneys for Plaintiff, Tissot SA

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<sup>1</sup> Although the 90-day time limit for service does not apply, Plaintiff is filing the instant Notice to inform the Court specifically of its inability to comply with the proof of service filing requirement.

<sup>2</sup> On June 24, 2025, Plaintiff also filed a Renewed *Ex Parte* Application seeking temporary *ex parte* relief pursuant to L.R. 5.4(d) [ECF No. 14], which is currently pending before the court.