

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 25-20335-CIV-BLOOM**

RICHEMONT INTERNATIONAL SA,

Plaintiff,

vs.

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

Defendants.

**DECLARATION OF STEPHEN M. GAFFIGAN IN SUPPORT OF
PLAINTIFF'S *EX PARTE* APPLICATION FOR ENTRY OF TEMPORARY
RESTRAINING ORDER, PRELIMINARY INJUNCTION, AND
ORDER RESTRAINING TRANSFER OF ASSETS**

I, Stephen M. Gaffigan, declare and state as follows:

1. I am an attorney duly authorized and licensed to practice law before all courts in the State of Florida and the Southern District of Florida. I am counsel of record for Plaintiff, Richemont International SA ("Plaintiff"), 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 and infringing versions of Plaintiff's branded

products by Defendants and to obtain the available payment account data for receipt of funds paid to Defendants for the sale of such goods. At the conclusion of the investigation, my firm received the detailed web pages produced by Invisible Inc reflecting the products offered for sale and/or ordered¹ via the Defendants' 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 Plaintiff's representative 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 counterfeit and infringing versions of Plaintiff's 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 Defendants' e-commerce stores 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 e-commerce stores operating under the E-commerce Store Names.²

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

¹ Invisible Inc did not transmit the funds to finalize the sale for the orders from many of the Defendants so as to avoid adding money to Defendants' coffers.

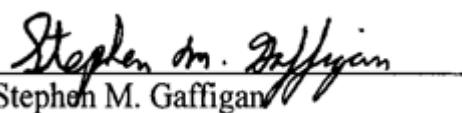
² The means of electronic contact provided by Defendants in connection with their E-commerce Store Names, including any e-mail addresses and WhatsApp phone numbers used to communicate with Plaintiff's investigator, are included on Schedule "A" annexed to the Application for Temporary Restraining Order.

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-commerce store and private messaging account data and content, change payment accounts, redirect consumer traffic to other seller 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 secrete 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, Plaintiff 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. Defendants use money transfer and retention services with PayPal, Inc. ("PayPal") as a method to receive monies generated through the sale of counterfeit and infringing products. Based on past experience in similar cases, I reasonably believe that PayPal has the ability to and will in fact comply with a temporary restraining order of the type now sought by Plaintiff.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed the 23rd day of January, 2025, at Hollywood, Florida.


Stephen M. Gaffigan