

**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* MOTION FOR
ORDER AUTHORIZING ALTERNATE SERVICE OF PROCESS**

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*¹ Motion for Order Authorizing Alternate Service of Process (the "Motion for Alternate Service") on Defendants, the Individuals, Business Entities, and

¹ Plaintiff is moving for alternate service *ex parte* as Plaintiff has yet to provide Defendants with notice of this action. Plaintiff has filed its *Ex Parte* Application for Temporary Restraining Order, Preliminary Injunction, and Order Restraining Transfer of Assets ("Application for Temporary Restraining Order"), ECF No. [10], which is currently pending before the Court. The instant Motion makes reference to Plaintiff's Application for Temporary Restraining Order, and as such, Plaintiff seeks to prevent premature disclosure of that filing. However, Plaintiff is filing this Motion so that, in the event Plaintiff's Application for Temporary Restraining Order and the instant Motion are granted, Plaintiff can effectuate service of process pursuant to Rule 4 of the Federal Rules of Civil Procedure simultaneously with providing notice of the Court's Order on Plaintiff's Application for Temporary Restraining Order.

Unincorporated Associations identified on Schedule “A” thereto (“Defendants”).² 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.

2. On January 23, 2025, Plaintiff filed its Application for Temporary Restraining Order, ECF No. [10]. I hereby incorporate by reference all factual allegations contained in my Declaration filed in Support of Plaintiff’s Application for Temporary Restraining Order, ECF No. [10-2].

3. Defendants use money transfer and retention services with PayPal, Inc. (“PayPal”) as a method to receive monies generated through the sale of their counterfeit and infringing products. I know from multiple past actions involving the restraint of payment accounts that PayPal will identify electronic mail (“e-mail”) addresses for the Defendants at issue upon compliance with a temporary restraining order, such as the temporary restraining order Plaintiff is requesting in the instant case. Further, as a practical matter, payment accounts in the form of e-mail addresses must necessarily be working e-mail addresses, otherwise Defendants would not be able to process payments via those accounts.

4. Defendants can also be contacted via Defendants’ customer service e-mail addresses, including via private messaging applications or services Defendants use in connection with their E-commerce Store Names and via the onsite contact forms embedded directly on Defendants’ e-commerce stores. Additionally, my firm obtained the publicly available registration records for the E-commerce Store Names, identifying the contact data Defendants provided their registrars for each E-commerce Store Name. Defendants are also able to receive notice of this action by e-mail via the designated Registrar’s e-mail address or contact form. The e-mail

² Defendants operate Internet based e-commerce stores operating under the seller names set forth on Schedule “A” to the Motion for Alternate Service (the “E-commerce Store Names”).

addresses and other means of electronic contact for all Defendants are provided on Schedule “A” to Plaintiff’s Motion for Alternate Service.

5. Finally, Plaintiff will notify Defendants of this action via website posting. Plaintiff has created a serving notice website and will be posting copies of the Complaint, the Application for Temporary Restraining Order, and all other pleadings, documents, and orders on file in this action on its designated website located at <http://servingnotice.com/RUM7tz/index.html> (“Plaintiff’s Website”), such that anyone accessing Plaintiff’s Website will find copies of all documents filed in this action. The address for Plaintiff’s Website will be provided to Defendants via their known e-mail accounts, private message accounts, and/or onsite contact forms and will be included as part of service of process in this matter.

6. Accordingly, each Defendant will be provided with notice of this action electronically by providing the address for Plaintiff’s Website to their corresponding e-mail addresses, onsite contact forms, private messaging applications and/or services, or via the e-mail address for the designated Registrar. In this manner, Defendants will receive a web address at which they can access all electronic filings to view, print, or download any document filed in the case similar to the court’s CM/ECF procedures.

7. Plaintiff has investigated Defendants and has reasonable cause to suspect Defendants reside and/or operate in the People’s Republic of China (“China”), Islamic Emirate of Afghanistan (“Afghanistan”), Australia, Iceland, the United Kingdom of Great Britain and Northern Ireland (“United Kingdom”), Socialist Republic of Viet Nam (“Vietnam”), or other foreign countries and/or redistribute products from sources in those locations.³ My firm reviewed

³ Upon information and belief, some Defendants ship their goods to fulfillment centers, warehouses, and/or storage facilities within the United States to redistribute their products from

the publicly available registration records for the E-commerce Store Names and discovered the Defendants either use privacy protection services to conceal their identity and contact information or provided incomplete physical addresses. My firm further reviewed other publicly available physical address information identified directly on certain E-commerce Store Names and discovered the relevant Defendants provided false, incomplete, and/or invalid addresses for service of process. As such, Plaintiff has not identified a valid address for Defendants. While Plaintiff has not been able to determine Defendants' exact locations, Plaintiff has determined Defendants' illegal operations are most likely based in and/or shipping from China, Afghanistan, Australia, Iceland, the United Kingdom, Vietnam, or other foreign jurisdictions. Plaintiff's investigation looked at multiple connection data points, such as information contained on Defendants' actual e-commerce stores operating under their respective E-commerce Store Names, payment and shipping information, and the investigative data provided thereunder. Thus, Plaintiff has reasonable cause to believe Defendants are not residents of the United States.

8. I reviewed the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters ("Hague Convention"),⁴ to which the United States, China, Australia, Iceland, the United Kingdom, and Vietnam are signatories.⁵ China,

those locations, but likely reside and/or operate in foreign jurisdictions. (See Complaint ¶ 8, ECF No. [1].)

⁴ See also Hague Service Convention, November 15, 1965, 20 U.S.T. 361, available at <https://www.hcch.net/en/instruments/conventions/full-text/?cid=17> (last visited January 23, 2025) (full text of the Hague Service Convention); <https://www.hcch.net/en/instruments/conventions/status-table/?cid=17> (last visited January 23, 2025).

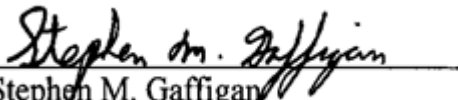
⁵ Afghanistan is not a signatory to the Hague Convention. Additionally, I have not been able to identify any other treaties between the United States and Afghanistan which govern service of process in a civil matter. See United States Department of State, Treaties in Force, available at <https://www.state.gov/treaties-in-force/> (last visited January 23, 2025).

Iceland, and Vietnam have declared that they either fully or partially oppose the service of documents in their respective territories by the alternative means of service outlined in Article 10 of the Convention, including the service of process by postal channels.⁶ However, the Hague Convention does not preclude service via e-mail or by website posting, and the declarations to the Hague Convention filed by China, Australia, Iceland, the United Kingdom, and Vietnam do not expressly prohibit e-mail service or website posting. A true and correct copy of the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters and a list of the signatory Members are attached hereto as Composite Exhibit “1.”⁷

⁶ Australia provides additional requirements for the methods of service referred to in Article 10(a). Iceland objects to Article 10(b) and (c) but does not object to service of process by postal channels as set forth in paragraph (a) of Article 10 to the Hague Convention. The United Kingdom has not declared any opposition to the alternative means of service by postal channels outlined in Article 10(a) of the Hague Convention and sets out further requirements for Articles 10(b) and (c). Vietnam objects to the methods for service of process set forth in paragraphs (b) and (c) of Article 10 to the Hague Convention and sets forth additional requirements for the methods for service of process set forth in paragraph (a).

⁷ Composite Exhibit “1” also contains a true and correct printout of the Declaration/Reservation/Notification for China, Australia, Iceland, the United Kingdom, and Vietnam in regard to the Hague Convention, available at <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=393&disp=resdn>; <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=1062&disp=resdn>; <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=1033&disp=resdn>; <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=427&disp=resdn>; <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=1337&disp=resdn> (last visited January 23, 2025).

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, Hollywood, Florida.


Stephen M. Gaffigan