

**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.

**PLAINTIFF’S *EX PARTE* MOTION FOR ORDER AUTHORIZING ALTERNATE
SERVICE OF PROCESS ON DEFENDANTS PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 4(f)(3) AND MEMORANDUM OF LAW IN SUPPORT THEREOF**

Plaintiff, Richemont International SA (“Plaintiff”), hereby moves this Honorable Court, on an *ex parte* basis,¹ for an order authorizing alternate service of process on Defendants, the Individuals, Business Entities, and Unincorporated Associations identified on Schedule “A” hereto (“Defendants”), pursuant to Federal Rule of Civil Procedure 4(f)(3). In support thereof, Plaintiff submits the following Memorandum of Law.

¹ Plaintiff is moving for alternate service *ex parte* as Plaintiff has yet to provide Defendants with notice of this action. (See Declaration of Stephen M. Gaffigan in Support of Plaintiff’s *Ex Parte* Motion for Order Authorizing Alternate Service of Process on Defendants [“Gaffigan Decl.”] ¶ 1 n.1, filed herewith.) Plaintiff 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. (*Id.*) 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. (*Id.*)

I. INTRODUCTION

Plaintiff is suing Defendants for trademark counterfeiting and infringement, false designation of origin, common law unfair competition, and common law trademark infringement. Defendants are knowingly and intentionally promoting, advertising, distributing, offering for sale, and selling goods bearing and/or using counterfeits and infringements of one or more of Plaintiff's registered trademarks within this district and throughout the United States by operating Internet based e-commerce stores under the seller names set forth on Schedule "A" hereto (the "E-commerce Store Names").

Pursuant to Federal Rule of Civil Procedure 4(f)(3), Plaintiff requests an order authorizing service of process on Defendants via electronic mail ("e-mail") and via website posting. Service of process by e-mail and by posting on a designated website are appropriate and necessary in this case, because Defendants (1) operate via the Internet, and (2) rely on electronic communications to operate their businesses. As such, Plaintiff has the ability to contact Defendants directly and provide notice of Plaintiff's claims against them electronically via e-mail. Additionally, Plaintiff has created a website and will be posting copies of the Complaint, this instant Motion, and all other documents filed in this action. Plaintiff respectfully submits that an order allowing service of process and service of all filings and discovery via e-mail and by posting on a designated website in this case will benefit all parties and the Court by ensuring Defendants receive immediate notice of the pendency of this action and allowing this action to move forward expeditiously. Absent the ability to serve Defendants by e-mail and/or by website posting, Plaintiff will almost certainly be left without the ability to pursue a remedy.

II. STATEMENT OF FACTS

A. Defendants Have Valid Means of Electronic Contact.

Defendants operate Internet-based businesses and identify e-mail, including onsite contact forms and private messaging accounts and/or services, as a means of communication such that Plaintiff will be able to provide Defendants with notice of this action via e-mail and website posting. (See Declaration of Stephen M. Gaffigan in Support of Plaintiff's *Ex Parte* Motion for Order Authorizing Alternate Service of Process on Defendants ["Gaffigan Decl."] ¶¶ 3-5, filed herewith.) As a practical matter, it is necessary for merchants who operate entirely online, such as Defendants, to provide customers with valid electronic means by which customers may contact the merchants to ask questions about the merchants' products, place orders from the merchants, and receive information from the merchants regarding the shipments of orders. Moreover, e-commerce defendants generally must maintain accurate e-mail addresses or other electronic contact where their e-commerce store administrator and payment processor may communicate with them regarding issues related to the maintenance of their e-commerce store accounts and transfer of funds for the payment for goods. Additionally, Plaintiff has created a website that will be appearing at the URL <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. (See Gaffigan Decl. ¶ 5.)

Specifically, 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. (See Gaffigan Decl. ¶ 3; Declaration of Kathleen Burns in Support of Plaintiff's Application for Temporary Restraining Order ["Burns Decl. in Support of Appl. for TRO"] ¶ 4 and Comp. Ex. 1 thereto, incorporated herein by reference.) PayPal will identify contact

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. (Id.) 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. (Id.)

Defendants can also be contacted via their 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. (See Gaffigan Decl. ¶ 4.) Additionally, Plaintiff's counsel's firm obtained the publicly available registration records for the E-commerce Store Names, identifying the registrars for each E-commerce Store Name. (Id.) As such, Defendants are able to receive notice of this action by e-mail via the designated Registrar's e-mail address or contact form. (Id.)

Finally, Plaintiff will be able to provide each Defendant with notice of this action via public announcement on Plaintiff's Website. Plaintiff has created its Website that will be appearing at the URL <http://servingnotice.com/RUM7tz/index.html>, whereon copies of the Complaint, the instant Motion, and all other pleadings, documents, and orders issued in this action will be posted such that anyone accessing Plaintiff's Website will find copies of all documents filed in this action. (See Gaffigan Decl. ¶ 5.) The address for Plaintiff's Website will be provided to Defendants via their known e-mail accounts, including onsite contact forms and private messaging accounts and/or services, and will be included as part of service of process in this matter.

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. (See Gaffigan Decl. ¶ 6.) 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. (Id.)

B. Defendants Rely on Electronic Communications.

Defendants have structured their Internet businesses so that the means for customers to purchase Defendants' counterfeit and infringing goods at issue is by placing an order electronically. Defendants take and confirm orders online and rely on electronic means to receive payment. (See Burns Decl. in Support of Appl. for TRO ¶ 4 and Comp. Ex. 1 thereto.) Indeed, Plaintiff's investigator placed orders for Plaintiff's branded goods electronically via Defendants' Internet based E-commerce Store Names. (See id.) The orders placed by Plaintiff's investigator while investigating the E-commerce Store Names were processed electronically, which included providing billing and payment information, and confirmation of the orders via e-mail. (Id.) Clearly, Defendants rely on electronic means as reliable forms of contact.

III. ARGUMENT

Pursuant to Federal Rule of Civil Procedure 4(h)(2), a foreign partnership or other unincorporated association may be served with process in any manner prescribed by Rule 4(f) for serving foreign individuals. Federal Rule of Civil Procedure 4(f)(3), allows a district court to authorize an alternate method for service to be effected upon a foreign defendant, provided that it is not prohibited by international agreement and is reasonably calculated to give notice to the defendant. In the present matter, alternate service of process via e-mail and by posting on Plaintiff's Website are appropriate given that Defendants have established Internet-based businesses by which they rely on electronic communications for their operations. Accordingly, this Court should permit service on Defendants by e-mail and website posting.

A. The Court May Authorize Service via Electronic Mail and Website Posting Pursuant to Federal Rule of Civil Procedure 4(f)(3).

Federal Rule of Civil Procedure 4(h)(2) allows a foreign business entity to be served with process “in any manner prescribed by Rule 4(f),” including any manner ordered under Rule 4(f)(3). U.S. Commodity Futures Trading Comm’n v. Aliaga, 272 F.R.D. 617, 619 (S.D. Fla. 2011). A foreign partnership or other unincorporated association can therefore be served in the same manner as serving a foreign individual pursuant to Rule 4(f)(3). Id. Federal Rule of Civil Procedure 4(f)(3) allows alternative methods for service of process, so long as those methods are not prohibited by international agreement and are directed by the Court. See Prewitt Enters., Inc. v. The Org. of Petrol. Exporting Countries, 353 F.3d 916, 923 (11th Cir. 2003). See also Brookshire Bros., Ltd. v. Chiquita Brands Int’l, Case No. 05-CIV-21962, 2007 WL 1577771, at *2 (S.D. Fla. May 31, 2007); Rio Props. Inc. v. Rio Int’l Interlink, 284 F.3d 1007, 1014 (9th Cir. 2002). In fact, “as long as court-directed and not prohibited by an international agreement, service of process ordered under Rule 4(f)(3) may be accomplished in contravention of the laws of the foreign country.” Chanel, Inc. v. Zhixian, No. 10-cv-60585-JIC, 2010 WL 1740695, at *3 (S.D. Fla. April 29, 2010) (quoting Rio Props., 284 F.3d at 1014 and citing Mayoral–Amy v. BHI Corp., 180 F.R.D. 456, 459 n.4 (S.D. Fla. 1998)).

The plain language of Rule 4(f)(3) reflects that the decision to issue an order allowing an alternate means of service lies within the sole discretion of the District Court. Prewitt Enters., Inc., 353 F.3d at 921; Rio Props., 284 F.3d at 1116. See, e.g., Brookshire Bros., Ltd., 2007 WL 1577771, at *2 (noting that “district courts have broad discretion under Rule 4(f)(3) to authorize other methods of service”); In re Int’l Telemedia Assocs., 245 B.R. 713, 720 (N.D. Ga. 2000) (noting that Rule 4(f)(3) is designed to allow courts discretion and broad flexibility to tailor the methods of service for a particular case). Rule 4 does not require a party attempt service of process by those

methods enumerated under subsections (f)(1) and (f)(2), including by diplomatic channels and letters rogatory, before petitioning the court for alternative relief under subsection 4(f)(3). Rio Props., 284 F.3d at 1114-15; see also Brookshire Bros., Ltd., 2007 WL 1577771, at *1.

In Brookshire, the Honorable Judge Marcia G. Cooke allowed substitute service on a party's attorney pursuant to Rule 4(f)(3) holding as follows:

Rule 4(f)(3) is one of three separately numbered subsections in Rule 4(f) and each subsection is separated from the one previous merely by the simple conjunction 'or.' Rule 4(f)(3) is not subsumed within or in any way dominated by Rule 4(f)'s other subsections; it stands independently, on equal footing. Moreover, no language in Rules 4(f)(1) or 4(f)(2) indicates the primacy, and certainly Rule 4(f)(3) indicates no qualifiers or limitations which indicate its availability only after attempting service of process by other means.

Brookshire Bros., Ltd., 2007 WL 1577771, at *1 (quoting Rio Props., 284 F.3d at 1015). Accord TracFone Wireless, Inc. v. Bitton, 278 F.R.D. 687, 692 (S.D. Fla. Jan. 11, 2012) (noting that, in regards to Rule 4(f)(3), "there is no indication from the plain language of the Rule that the three subsections, separated by the disjunctive "or," are meant to be read as a hierarchy."). Judge Cooke further held, "[t]he invocation of Rule 4(f)(3), therefore, is neither a last resort nor extraordinary relief." Brookshire Bros., Ltd., 2007 WL 1577771, at *2.

Additionally, the Constitution itself does not mandate that service be effectuated in any particular way. Rather, Constitutional due process considerations require only that the method of service selected be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." Brookshire Bros., Ltd., 2007 WL 1577771, at *1 (quoting Mullane v. Cent. Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950)); see also TracFone Wireless, Inc., 278 F.R.D. at 692; Rio Props., 284 F.3d at 1016. Accordingly, federal courts have allowed a variety of alternative service methods, including service by e-mail and service by posting on a designated website, where a plaintiff demonstrates the likelihood that the proposed alternative method of service will notify a

defendant of the pendency of the action. See, e.g., Rio Props., 284 F.3d at 1017 (holding, “without hesitation,” that e-mail service of an online business defendant “was constitutionally acceptable”); In re Int’l Telemedia Assocs., 245 B.R. at 721 (“If any methods of communication can be reasonably calculated to provide a defendant with real notice, surely those communication channels utilized and preferred by the defendant himself must be included among them.”); National Association for Stock Car Auto Racing, Inc. v. Does, 584 F. Supp. 2d 824, 826 (W.D.N.C. 2008) (in “acknowledging the realities of the twenty-first century and the information age, the Court determined that the most appropriate place for publication was [plaintiff’s website]”).

Here, service on Defendants by e-mail and by posting on Plaintiff’s Website will satisfy due process by apprising them of the action and giving them the opportunity to answer Plaintiff’s claims. Based on Plaintiff’s investigation, Defendants have at least one form of electronic means of contact, demonstrating that this means of contact is not just effective, but the most reliable means of communicating with Defendants, and consequently, the most reliable means of providing Defendants with notice of this action. (See Gaffigan Decl. ¶¶ 3-4; Burns Decl. in Support of Appl. for TRO ¶ 4 and Comp. Ex. 1 thereto.) Moreover, service by posting on Plaintiff’s Website will be an additional source of reliability as Defendants will be able to see copies of the Complaint, and all other documents in this matter electronically via their Internet browser. (Gaffigan Decl. ¶ 5.)

E-mail service on an online business defendant is appropriate and constitutionally acceptable in a case such as this when a plaintiff has proven that e-mail is the most effective means of providing a defendant with notice of the action. See Rio Props., 284 F.3d at 1017 (concluding “not only that service of process by e-mail was proper—that is, reasonably calculated to apprise [the defendant] of the pendency of the action and afford it an opportunity to respond—but in this

case, it was the method of service most likely to reach [the defendant].”). See also Popular Enters., LLC v. Webcom Media Group, Inc., 225 F.R.D. 560, 562 (E.D. Tenn. 2004) (“Under the facts and circumstances presented here, Rule 4(f)(3) clearly authorizes the court to direct service upon defendant by e-mail. The rule is expressly designed to provide courts with broad flexibility in tailoring methods of service to meet the needs of particularly difficult cases. Such flexibility necessarily includes the utilization of modern communication technologies to effect service when warranted by the facts”) (citation omitted). The Rio Properties, Inc. and Popular Enters., LLC courts each determined e-mail service to be appropriate in part because, as in this case, the defendants conducted their businesses online, used e-mail regularly in their businesses, and encouraged parties to contact them via e-mail. Id.

In cases that are factually similar to this one, a number of Courts have held that alternate forms of service pursuant to Rule 4(f)(3), such as e-mail service, are appropriate and may be the only means of effecting service of process “when faced with an international e-business scofflaw.” Rio Properties, Inc., 284 F.3d at 1018; see also Chanel, Inc. v. Zhixian, 2010 WL 1740695, at *3 (e-mail service “reasonably calculated to notify Defendants of the pendency of this action and provide him with an opportunity to present objections.”); TracFone Wireless, Inc., 278 F.R.D. at 693 (finding that service of process by e-mail was reasonably calculated to apprise the defendants of the action and give it an opportunity to respond); Popular Enters., LLC, 225 F.R.D. at 563 (same); In re Int’l Telemedia Associates, 245 B.R. at 722 (“A defendant should not be allowed to evade service by confining himself to modern technological methods of communication not specifically mentioned in the Federal Rules. Rule 4(f)(3) appears to be designed to prevent such gamesmanship by a party” (concluding e-mail and facsimile service to be appropriate)); Chanel, Inc. v. Zhibing, Case No. 09-cv-02835, 2010 WL 1009981, at *4 (W.D. Tenn. March 17, 2010)

(stating that e-mail service has the “greatest likelihood” of reaching e-commerce merchants and noting, “The federal judiciary’s own CM/ECF system alerts parties . . . by e-mail messages.” Alternate service via e-mail granted).² Plaintiff submits that allowing e-mail service in the present case is appropriate and comports with constitutional notions of due process, particularly given Defendants’ decisions to conduct their illegal businesses using the Internet and utilizing e-mail as a primary means of communication.

Additionally, service of a defendant by posting on a designated website has been deemed an appropriate means of service by posting. See National Association for Stock Car Auto Racing, Inc., 584 F. Supp. 2d at 826.³ A proposed method of website posting need only be “reasonably

² See Chanel, Inc. v. Individuals, No. 24-cv-22336-BLOOM/Elfenbein, 2024 U.S. Dist. LEXIS 158231 (S.D. Fla. June 24, 2024) (Order authorizing alternate service of process via, *inter alia*, email); Chanel, Inc. v. 21909944, No. 23-62279-CIV-BLOOM, 2023 U.S. Dist. LEXIS 215886 (S.D. Fla. Dec. 5, 2023) (same); adidas AG v. Individuals, No. 23-cv-62188-BLOOM/Hunt, 2023 U.S. Dist. LEXIS 214776 (S.D. Fla. Nov. 22, 2023) (same); Chanel, Inc. v. Civel.Shop, No. 23-cv-61106-BLOOM, 2023 U.S. Dist. LEXIS 156837 (S.D. Fla. June 13, 2023) (same); S.A.S. Jean Cassegrain, et al. v. Individuals, Bus. Entities, & Unincorporated Ass’ns, Case No. 25-cv-20181-BLOOM (S.D. Fla. Jan. 15, 2025) (same); Burberry Limited, et al. v. Individuals, Bus. Entities, & Unincorporated Ass’ns, Case No. 24-cv-24954-Bloom (S.D. Fla. Dec. 23, 2024) (same); Chanel, Inc. v. The Individuals, Business Entities, and Unincorporated Associations, Case No. 24-cv-24731-BLOOM (S.D. Fla. Dec. 6, 2024) (same). See also On Clouds GmbH v. Individuals, Bus. Entities, & Unincorporated Ass’ns, No. 24-23160-CIV-BECERRA, 2024 U.S. Dist. LEXIS 190285 (S.D. Fla. Aug. 27, 2024, docketed Aug. 28, 2024) (same); Malletier v. Individuals, No. 24-23194-CIV-RUIZ, 2024 U.S. Dist. LEXIS 188548 (S.D. Fla. Aug. 26, 2024, docketed Aug. 27, 2024) (same); Tiffany NJ LLC v. Individuals, No. 24-61345-CIV-DIMITROULEAS, 2024 U.S. Dist. LEXIS 156994 (S.D. Fla. July 30, 2024) (same); Chanel, Inc. v. Individuals, No. 0:24-cv60970-LEIBOWITZ, 2024 U.S. Dist. LEXIS 188587 (S.D. Fla. July 25, 2024) (same).

³ See Chanel, Inc. v. Individuals, No. 24-cv-22336-BLOOM/Elfenbein, 2024 U.S. Dist. LEXIS 158231 (S.D. Fla. June 24, 2024) (Order granting alternative service via e-mail and by posting on plaintiff’s designated website); Chanel, Inc. v. 21909944, No. 23-62279-CIV-BLOOM, 2023 U.S. Dist. LEXIS 215886 (S.D. Fla. Dec. 5, 2023) (same); adidas AG v. Individuals, No. 23-cv-62188-BLOOM/Hunt, 2023 U.S. Dist. LEXIS 214776 (S.D. Fla. Nov. 22, 2023) (same); Chanel, Inc. v. Civel.Shop, No. 23-cv-61106-BLOOM, 2023 U.S. Dist. LEXIS 156837 (S.D. Fla. June 13, 2023) (same); S.A.S. Jean Cassegrain, et al. v. Individuals, Bus. Entities, & Unincorporated Ass’ns, Case No. 25-cv-20181-BLOOM (S.D. Fla. Jan. 15, 2025) (same); Burberry Limited, et al. v. Individuals, Bus. Entities, & Unincorporated Ass’ns, Case No. 24-cv-24954-Bloom (S.D. Fla. Dec. 23, 2024)

calculated under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” National Association for Stock Car Auto Racing, Inc., 584 F. Supp. 2d at 826 (citing Mullane v. Cent. Hanover Bank & Trust Co., 339 U.S. 306, 315-16, 70 S. Ct. 652, 94 L. Ed. 865 (1950)). In National Association for Stock Car Auto Racing, Inc. v. Does, the United States District Court for the Western District of North Carolina determined that the plaintiff could serve “Doe” defendants and apprise those defendants of a pending preliminary injunction hearing by posting on the plaintiff’s website. Id.

Accordingly, Plaintiff has created its Website that will be appearing at the URL <http://servingnotice.com/RUM7tz/index.html>, whereon copies of the Complaint, this instant Motion, and all other pleadings, documents, and orders issued in this action will be posted. (Gaffigan Decl. ¶ 5.) 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 upon service of process in this matter. (Id.) Plaintiff respectfully submits that alternative service by posting the Summonses, and Complaint on Plaintiff’s Website would provide notice to Defendants sufficient to meet the due process requirements for service of process pursuant to Federal Rule of Civil Procedure 4, apprise Defendants of the pendency of this action, and afford Defendants and any other interested parties an opportunity to present their answers and objections.

(same); Chanel, Inc. v. The Individuals, Business Entities, and Unincorporated Associations, Case No. 24-cv-24731-BLOOM (S.D. Fla. Dec. 6, 2024) (same). See also On Clouds GmbH v. Individuals, Bus. Entities, & Unincorporated Ass’ns, No. 24-23160-CIV-BECERRA, 2024 U.S. Dist. LEXIS 190285 (S.D. Fla. Aug. 27, 2024, docketed Aug. 28, 2024) (same); Malletier v. Individuals, No. 24-23194-CIV-RUIZ, 2024 U.S. Dist. LEXIS 188548 (S.D. Fla. Aug. 26, 2024, docketed Aug. 27, 2024) (same); Tiffany NJ LLC v. Individuals, No. 24-61345-CIV-DIMITROULEAS, 2024 U.S. Dist. LEXIS 156994 (S.D. Fla. July 30, 2024) (same); Chanel, Inc. v. Individuals, No. 0:24-cv-60970-LEIBOWITZ, 2024 U.S. Dist. LEXIS 188587 (S.D. Fla. July 25, 2024) (same).

B. Service of Process Via Electronic Means Are Not Prohibited by International Agreement.

Service via e-mail and via posting on a designated website are not prohibited by international agreement. Based upon the information contained on Defendants' actual e-commerce stores operating under their respective E-commerce Store Names and the investigative data provided thereunder, Plaintiff 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 jurisdictions and/or redistribute products from sources in those locations. (Gaffigan Decl. ¶ 7.) The United States, China, Australia, Iceland, the United Kingdom, and Vietnam are signatories to the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters (the "Hague Service Convention").⁴ (See Gaffigan Decl. ¶ 8 and Comp. Ex. 1 attached thereto, Hague Service Convention and list of signatory Members.) However, the Hague Service Convention does not preclude the Court from authorizing service of process via e-mail or posting on a designated website. (Id.)

Alternative means of service, such as e-mail and website posting, are not prohibited by the Hague Service Convention where a signatory nation has not expressly objected to those means. See Stat Med. Devices, Inc. v. HTL-Strefa, Inc., Case No. 15-cv-20590-FAM, 2015 U.S. Dist. LEXIS 122000 (S.D. Fla. Sept. 14, 2015) (noting that an objection to the alternative forms of service set forth in the Hague Convention is limited to the forms of service expressly objected

⁴ Afghanistan is not a signatory to the Hague Convention. (Gaffigan Decl. ¶ 8, n.5.)

to).⁵ Article 10 to the Hague Service Convention allows service of process through means other than a signatory's Central Authority, such as "postal channels" and "judicial officers," provided the State of destination does not object to those means. See Hague Convention, Art. 10, 20 U.S.T. 361 (1969). China, 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. (See Gaffigan Decl. ¶ 8 and Comp. Ex. 1 thereto, 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.)⁶ However, these objections are specifically limited to the means of service enumerated in Article 10, and China, Australia, Iceland, the United Kingdom, and Vietnam have not expressly objected to service via e-mail or website

⁵ See Chanel, Inc. v. Individuals, No. 24-cv-22336-BLOOM/Elfenbein, 2024 U.S. Dist. LEXIS 158231 (S.D. Fla. June 24, 2024) (authorizing e-mail service and by posting on plaintiff's designated website, noting an objection to the alternative means of service provided by the Hague Convention is expressly limited to those means and does not represent an objection to other forms of service, such e-mail or website posting); Chanel, Inc. v. 21909944, No. 23-62279-CIV-BLOOM, 2023 U.S. Dist. LEXIS 215886 (S.D. Fla. Dec. 5, 2023) (same); adidas AG v. Individuals, No. 23-cv-62188-BLOOM/Hunt, 2023 U.S. Dist. LEXIS 214776 (S.D. Fla. Nov. 22, 2023) (same); accord Chanel, Inc. v. The Individuals, Business Entities, and Unincorporated Associations, Case No. 24-cv-24731-BLOOM (S.D. Fla. Dec. 6, 2024) (same). See also On Clouds GmbH v. Individuals, Bus. Entities, & Unincorporated Ass'ns, No. 24-23160-CIV-BECERRA, 2024 U.S. Dist. LEXIS 190285 (S.D. Fla. Aug. 27, 2024, docketed Aug. 28, 2024) (same); Malletier v. Individuals, No. 24-23194-CIV-RUIZ, 2024 U.S. Dist. LEXIS 188548 (S.D. Fla. Aug. 26, 2024, docketed Aug. 27, 2024) (same); Tiffany NJ LLC v. Individuals, No. 24-61345-CIV-DIMITROULEAS, 2024 U.S. Dist. LEXIS 156994 (S.D. Fla. July 30, 2024) (same); Chanel, Inc. v. Individuals, No. 0:24-cv-60970-LEIBOWITZ, 2024 U.S. Dist. LEXIS 188587 (S.D. Fla. July 25, 2024) (same).

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). (See Gaffigan Decl. ¶ 8, n.6.)

posting. Thus, there are no international agreements prohibiting service by e-mail or website posting. (See id. and Comp. Ex. 1 attached thereto.) “Where a signatory nation has objected to only those means of service listed in Article [10], a court acting under Rule 4(f)(3) remains free to order alternative means of service that are not specifically referenced in Article [10].” Gurung v. Malhotra, 279 F.R.D. 215, 219 (S.D.N.Y. 2011); see also WhosHere, Inc. v. Orun, Case No. 13-cv-00526-AJT, 2014 U.S. Dist. LEXIS 22084, at *9 (E.D. Va. Feb. 20, 2014) (authorizing e-mail service, noting objection to means of service listed in Article 10 “is specifically limited to the enumerated means of service in Article 10.”).

Moreover, an objection to the alternative means of service provided in Article 10 does not represent a *per se* objection to other forms of service, such as e-mail or website posting. See In re S. African Apartheid Litig., 643 F. Supp. 2d 423, 434, 437 (S.D.N.Y. 2009) (requiring express objection to alternative method of service by signatory nation to preclude that particular means of service). Consequently, China’s, Iceland’s, and Vietnam’s objections to the means of alternative service provided in Article 10 are no bar to court-directed service and do not prevent this Court from authorizing alternative service of process via e-mail or website posting. See, e.g., Gurung, 279 F.R.D. at 220 (approving service of process on foreign defendants via e-mail despite India’s objection to Article 10, stating that an “objection to service through postal channels does not amount to an express rejection of service via electronic mail.”); Stat Med. Devices, Inc., 2015 U.S. Dist. LEXIS 122000 at *8-9 (permitting service of process on foreign defendants via e-mail despite Poland’s objection to Article 10, noting “This Court and many other federal courts have permitted service by electronic mail and determined that an objection to Article 10 of the Hague Convention . . . does not equate to an express objection to service via electronic mail.”); FTC v. PCCare247 Inc., Case No. 12-cv-7189-PAE, 2013 U.S. Dist. LEXIS 31969, at * 10 (S.D.N.Y. March 7, 2013)

(authorizing service of process via e-mail and Facebook, explaining that “Numerous courts have held that service by e-mail does not violate any international agreement where the objections of the recipient nation are limited to those means enumerated in Article 10.”); WhosHere, Inc., 2014 U.S. Dist. LEXIS 22084 (authorizing service of process on foreign defendants via e-mail despite Turkey’s objection to Article 10); Richmond Techs., Inc. v. Aumtech Bus. Solutions, Case No. 11-CV-02460-LHK, 2011 U.S. Dist. LEXIS 71269 (N.D. Cal. July 1, 2011) (“[N]umerous courts have authorized alternative service under Rule 4(f)(3) even where the Hague Convention applies. This is true even in cases involving countries that, like India, have objected to the alternative forms of service permitted under Article 10 of the Hague Convention.”).

Notwithstanding, Plaintiff also submits that the Hague Convention does not apply in this case. Plaintiff’s counsel reviewed the publicly available physical address information available in the registration records for the E-commerce Store Names and identified directly on the E-commerce Store Names. (Gaffigan Decl. ¶ 7.) However, Plaintiff has not identified a valid address for service of process on Defendants or determined Defendants’ exact locations. (Id.) According to Article 1 of the Hague Convention, “[the] convention shall not apply where the address of the person to be served with the document is not known.” See Hague Convention, Art. 1, 20 U.S.T. 361 (1969).

IV. CONCLUSION

For the foregoing reasons, Plaintiff, Richemont International SA, respectfully requests this Court grant the present motion and authorize service of the Complaint, Summonses, and all filings and discovery in this matter upon each Defendant in this action:

(1) via e-mail by providing the address for Plaintiff’s Website to Defendants via the e-mail addresses provided by that Defendant (i) as part of the data related to its e-commerce store,

including customer service e-mail addresses and/or onsite contact forms, and private messaging applications and/or services, or (ii) via the designated registrar of record that Defendants use to conduct their commercial transactions via the E-commerce Store Names, and

(2) via website posting by posting a copy of the Complaint, Summonses, and all filings and discovery in this matter on Plaintiff's Website appearing at the URL <http://servingnotice.com/RUM7tz/index.html>.

DATED: January 23, 2025.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

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E-mail: Raquel@smgpa.cloud

Attorneys for Plaintiff

SCHEDULE “A”
DEFENDANTS BY E-COMMERCE STORE NAMES AND MEANS OF CONTACT

Def. No.	Defendant / E-commerce Store Name	Means of Contact
1	aaawatch.to	aaamontre@gmail.com aaa-watch@outlook.com
2	astonishing.top	tingxicm@outlook.com
2	fashiones.top	tingxicm@outlook.com iwcslife@outlook.com
3	bestwatches.to	13912343095@139.com ibestwatches2020@hotmail.com
4	betterlifego.com	CustomerService@ashoesfactory.com
4	shoefactory.top	CustomerService@ashoesfactory.com
5	blog.12h.to	leonberenguer445@gmail.com WhatsApp: +852 6703 0781 WhatsApp: +852 6403 5279
6	buyonbest.com a.k.a. bobjewelry.com	hatranha833@gmail.com support@buyonbest.com sale@buyonbest.com
6	bobjewelry.com	support@bobjewelry.com support@buyonbest.com
7	cashial.online	interhz11@163.com
7	grgdger.online	interhz11@163.com
8	cheercash.online	Service via Registrar
9	chicstime.com	byrondeems3138@gmail.com byrondeems3138@gmail.com
10	chris-luxury.shop	cbx19977@outlook.com 115070853475@gmail.com vipservicecenter@outlook.com Mailiuy@outlook.com swissmadeluxury.cai@gmail.com
11	clothes.nu	soonzai227@gmail.com depursesbag@hotmail.com WhatsApp: +86 186 6602 1721

12	cloverjw.com	342212184@qq.com support@cloverjw.com
13	cnxscs.store a.k.a. yewugu.store	Customer.service@henwinto.com order.service@henwinto.com
13	cysenwk.shop a.k.a. yewugu.store	Customer.service@henwinto.com order.service@henwinto.com
13	kwsdrfh.shop	Customer.service@henwinto.com
14	daxiewatch.shop	kezhuwe0514@gmail.com
15	emuobag.shop	support@emuobag.shop worldsroderickthiyiph@gmail.com sales@emuobag.shop
15	wwcbag.shop	asd763881227@163.com cntopshoes@gmail.com support@wwcbag.shop sales@wwcbag.shop
		support@wwcbag.shop cntopshoes@gmail.com sales@wwcbag.shop
15	zvldbagg.shop	support@zvldbagg.shop worldsroderickthiyiph@gmail.com sales@zvldbagg.shop
16	ffluxury.top	djtecknoservice@gmail.com service@luxurydpt.com
17	getjewelrys.com	maryjohna@hotmail.com kerytony88@gmail.com
18	gilltime.com	vipwatchesreplica@hotmail.com
19	goodv-jewellery.store	support@goodv-jewelry.com info@roejewels.com business@goodv-jewelry.com WhatsApp: +852 5108 3462
19	goodv-jewellery.com	chenglizhu95@gmail.com info@roejewels.com info@rosetomorrow.com WhatsApp: + 852 6337 7012
20	iwcwatch.life	bookerdivollco@hotmail.com tingxicm@outlook.com

21	jeordwatch.co	jeordwatch@gmail.com info@jeordwatch.co
22	kernelluxuy.com	dx18605886632@163.com Andrewchun69@gmail.com PWP- 0633DA0F87C7D7C775C46E2D5D2EFE5B@PRIVACYGUARDIAN.ORG WhatsApp: +86 190 1281 5052
22	supermanluxury.com	dx18605886632@163.com Andrewchun69@gmail.com WhatsApp: +86 190 1281 5052
23	kohvjewelry.com	support@kohvjewelry.com
24	marielco.com	support@marielco.com
25	mqs.shop	mqbee88@gmail.com
25	sdyy.shop	mqbee88@gmail.com
26	primetickers.com	contact@primetickers.com 3CF0EA2B6C524D4A9787E74AC513B837.PROTECT@WITHHELDFORPRIVACY.COM
27	puhfyhj.online	ieu9989@163.com
28	rariate.com	admin@elttes.com PW- 50A9F0166DEF5832FC2841216DCBBCA9@PRIVACYGUARDIAN.ORG
29	replicabest.store	Service via Registrar
30	repicaluxuryshop.com	contact@repicaluxuryshop.com
31	repicawatch.shop	PankratzCooner445@gmail.com service@repicawatch.shop
32	repicawatchesworld.com	repicawatchesworldus.com@gmail.com 5C2360736F934E32BDADBC7C2EAD6CE6.PROTECT@WITHHELDFORPRIVACY.COM
33	repicawrist.com	moramlisa@gmail.com support@repicawrist.com WhatsApp: +44 7532 820531

34	repwatchplug.com	wangelo655@gmail.com info@repwatchplug.com repwatchplug@gmail.com Hypepay2021@gmail.com
35	royal-jewelry.shop	Tongtaozhong@gmail.com info@royal-jewelrys.com support@charmaries.com WhatsApp: +852 4688 3784
36	shoppingservices.top	support@shoppingserv.com
36	us.watchswiss.top	support@shoppingserv.com
37	storeluxury.top	linhuodan@yeah.net us@onlinshoppingservices.com
38	superreplica.shop	support@superreplica.shop
39	swisswatchesf.com	info@sportsservir.com PW- 5F897A95B33D888339F8C2484FCDC731@PRIVACY GUARDIAN.ORG
39	watchesdd.com	info@sportsservir.com PW- CCB114C5EA35472289F6CA71DE275D8D@PRIVACY YGUARDIAN.ORG
40	tickunique.is	vinking-wiio@outlook.com cstickunique@gmail.com WhatsApp: +44 7355 236610
41	vincyrep.ru	ganyong2019@outlook.com admin@liomui.com vincystore@hotmail.com fulai-2022@outlook.com vincystore@hotmail.com admin@liomui.com WhatsApp: +86 187 5092 5283