

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 25-21134-CIV-RUIZ**

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 AND PRELIMINARY INJUNCTION**

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 and Preliminary Injunction (the "Application for Temporary Restraining Order") against Defendants, the Individuals, Business Entities, and Unincorporated Associations Identified on Schedule "A" to Plaintiff's Application for Temporary Restraining Order (collectively, "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. Prior to filing this action, my firm accessed the Internet based e-commerce stores operating under Defendants' seller names identified on Schedule "A" to Plaintiff's Application for

Temporary Restraining Order (the “E-commerce Store Names”). The e-commerce stores advertise, offer for sale, and/or promote products bearing and/or using various counterfeits and confusingly similar imitations of one or more of Plaintiff’s trademarks at issue in this action. The e-commerce stores are fully interactive and allow users to browse the online stores for products bearing and/or using Plaintiff’s trademarks, add products to the online shopping carts, proceed to a point of checkout, and otherwise actively exchange data electronically.¹ True and correct copies of the relevant web pages captured and downloaded by my firm, reflecting samples of the Internet based e-commerce stores operating under the E-commerce Store Names displaying Plaintiff’s branded items offered for sale are attached hereto as Composite Exhibit “1.”

3. My firm obtained the publicly available registration data (“WHOIS” records) for Defendants’ e-commerce stores operating under the 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. Plaintiff is seeking *ex parte* relief because it reasonably believes if it proceeds on normal advance notice to Defendants prior to seeking to preclude modification of control of the e-commerce stores operating under Defendants’ E-commerce Store Names by having the registrars

¹ Some Defendants use their E-commerce Store Names to act as supporting e-commerce stores in order to complete their offer and sale of Plaintiff’s branded products. Specifically, some E-commerce Store Names, do not offer the shopping cart feature; rather, consumers are able to browse the listings of Plaintiff’s branded products online via the e-commerce stores, ultimately allowing customers to inquire and make direct purchases of the Plaintiff’s branded products via electronic communication, including e-mail and/or private messaging services. Additionally, some E-commerce Store Names either automatically or manually redirect and forward to a fully interactive, commercial Internet E-commerce Store Name where consumers can complete purchases. (See generally Composite Exhibit “1” hereto.)

² Defendants use their e-mail addresses in connection with their counterfeiting activities, to promote, offer for sale, and/or sell goods bearing and/or using counterfeits and infringements of Plaintiff’s trademarks via the E-commerce Store Names; accordingly, Defendants are using their e-mail addresses to facilitate their counterfeiting operations.

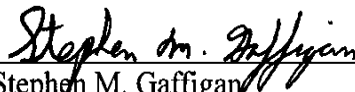
lock the same, as requested in the Application for Temporary Restraining Order, Defendants, can easily and quickly transfer the registrations for the E-commerce Store Names or modify registration data and content, change hosts, redirect traffic to other e-commerce store names, hide or transfer their inventory and related records beyond the jurisdiction of this Court and thereby potentially thwart Plaintiff's ability to obtain meaningful relief and continue to cause Plaintiff irreparable injury. However, upon entry of a Temporary Restraining Order in this matter, my firm will notify Defendants, by sending copies of the Order and the Application for Temporary Restraining Order and supporting papers via electronic mail ("e-mail") to the e-mail addresses Defendants provided to their registrars responsible for their respective E-commerce Store Names or the e-mail addresses and/or online contact forms identified on the e-commerce stores operating under the E-commerce Store Names. My firm will also provide a copy of the Temporary Restraining Order by e-mail to the registrar of record for each of the E-commerce Store Names, so that the registrar of record for each of the E-commerce Store Names may, in turn, notify each registrant of terms of the Temporary Restraining Order and provide notice of the locking of the e-commerce store name to the registrant of record.

5. I have personal knowledge that under the operating rules of most e-commerce store name Registrars, Registrants can easily transfer ownership of e-commerce store names simply by submitting an authorization letter and an application form. Defendants involved in e-commerce store name litigation easily can, and often will, modify registration data and content, change hosts and redirect traffic to other e-commerce stores they control. All of these things can happen in a very short span of time after Defendants are provided with notice of a lawsuit.

6. I have learned through multiple prior cases filed on behalf of Plaintiff and other trademark holders that, upon notice of a lawsuit, counterfeit e-commerce store owners often

immediately set up a redirect for their e-commerce store which essentially informs a search engine that the their e-commerce store being crawled has permanently moved to another e-commerce store and instructs the search engine to divert traffic to the other e-commerce store. The result is to slingshot the new e-commerce stores to the top of the search engine results pages by leveraging the Internet traffic to the e-commerce store in suit which was built through the illegal use of the plaintiff's trademarks. In short, Defendants would completely erase the status quo by transferring all of the benefits of their prior illegal activities to new e-commerce stores. This case is being filed on an *ex parte* basis to prevent such an injustice from occurring herein.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 12th day of March, 2025, at Scottsdale, Arizona.



Stephen M. Gaffigan