

**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.

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**DECLARATION OF STEPHEN M. GAFFIGAN IN SUPPORT OF  
PLAINTIFF'S *EX PARTE* MOTION FOR ORDER AUTHORIZING  
ALTERNATE SERVICE OF PROCESS ON DEFENDANTS**

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

1. I am counsel of record for Plaintiff, Richemont International SA ("Plaintiff"), in the above captioned action. I submit this declaration, which is filed in support of Plaintiff's *Ex Parte*<sup>1</sup> Motion for Order Authorizing Alternate Service of Process ("Motion for Alternate Service") on Defendants, the Individuals, Business Entities, and Unincorporated Associations Identified on Schedule "A" to Plaintiff's Motion for Alternate Service ("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.

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<sup>1</sup> Plaintiff's *Ex Parte* Application for Temporary Restraining Order is currently pending before the Court. Plaintiff's Motion for Alternate Service makes reference to Plaintiff's *Ex Parte* Application for Temporary Restraining Order, and as such, Plaintiff seeks to prevent premature disclosure of that filing. Accordingly, Plaintiff is moving for alternate service *ex parte* as Plaintiff has yet to provide Defendants with notice of this action. However, Plaintiff is not requesting the Court seal the Order on Motion for Alternate Service.

2. On March 12, 2025, Plaintiff filed its *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction (the “Application for Temporary Restraining Order”) [ECF No. 8]. 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. 8-2].

3. Prior to filing this action, my firm accessed the Internet based e-commerce stores operating under Defendants’ seller names identified on Schedule “A” attached 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 counterfeits and infringements of one or more of Plaintiff’s trademarks at issue. Defendants have structured their website businesses so that the sole means for customers to purchase Defendants’ goods at issue is by placing an order electronically. Defendants purport to take and confirm orders online as well as via e-mail and/or private messaging services, and they communicate with customers via electronic means, including e-mail and onsite contact forms.<sup>2</sup> 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 as Composite Exhibit “1” to my Declaration in Support of Plaintiff’s Application for Temporary Restraining Order.

4. My firm obtained the publicly available registration data (“WHOIS” records) for Defendants’ e-commerce stores operating under the E-commerce Store Names identifying the contact information Defendants provided their registrars. My firm reviewed the registration

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<sup>2</sup> 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.

addresses for the E-commerce Store Names and discovered Defendants use privacy protection services to conceal their identity and contact information, or provided false incomplete, and/or invalid addresses for service of process.

5. My firm also obtained the available e-mail addresses and onsite contact forms identified in connection with Defendants' respective e-commerce stores. Additionally, Defendants can receive notice of this action by e-mail via the designated Registrar's e-mail address or domain contact form for the E-commerce Store Names. The e-mail addresses and other means of electronic contact for Defendants are provided on Schedule "A" to Plaintiff's Motion for Alternate Service.

6. Plaintiff will notify Defendants of this action via website posting. Plaintiff has created a designated serving notice website and will be posting copies of the Complaint, the Application for Temporary Restraining Order, this Motion, and all other pleadings, orders, and documents on file in this action on their designated website located at <http://servingnotice.com/Rsf5ca/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 addresses, private message accounts, and/or onsite contact forms and will be included as part of service of process in this matter.

7. Accordingly, each Defendant will be provided with notice of this action electronically by providing the address for Plaintiff's Website to the e-mail addresses provided by Defendants as part of the registration data for each of the E-commerce Store Names or on their respective e-commerce stores operating thereunder, including customer service e-mail addresses and onsite contact forms, or via their designated Registrar's domain owner contact form or e-mail address. 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.

8. Plaintiff has investigated Defendants and has reasonable cause to suspect Defendants reside and/or operate in the People's Republic of China ("China"), the Republic of Colombia ("Colombia"), the Federal Republic of Germany ("Germany"), the Republic of India ("India"), the Islamic Republic of Pakistan ("Pakistan"), Thailand, the Republic of Türkiye ("Turkey"), United Arab Emirates, or other foreign countries, and/or redistribute products from sources in those locations. Plaintiff's investigation looked at multiple connection data points, such as data Defendants identified in the WHOIS records for each of their respective E-commerce Store Names, as well as information contained on Defendants' e-commerce stores operating thereunder and the investigative data in connection to the e-commerce stores. While Plaintiff has not identified a valid address for service of process on Defendants or determined Defendants' exact locations, Plaintiff has reasonable cause to believe Defendants are not residents of the United States.

9. I reviewed the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters ("Hague Convention"),<sup>3</sup> to which the United States, China, Colombia, Germany, India, Pakistan, and Turkey are signatories.<sup>4</sup> China, Germany, India, and Turkey have declared that they oppose the service of documents in their respective

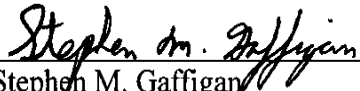
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<sup>3</sup> See also Hague Service Convention, November 15, 1965, 20 U.S.T. 361, available at <https://www.hcch.net/en/instruments/conventions/full-text/?cid=17> (last visited March 11, 2025) (full text of the Hague Service Convention); <https://www.hcch.net/en/instruments/conventions/status-table/?cid=17> (last visited March 11, 2025) (listing the current contracting states).

<sup>4</sup> Thailand and the United Arab Emirates are not signatories to the Hague Convention. Additionally, I have not been able to identify any other treaties between the United States and Thailand or the United Arab Emirates 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 March 11, 2025).

territories by the alternative means of service outlined in Article 10 of the Convention, including the service of process by postal channels.<sup>5</sup> However, the Hague Convention does not preclude service by e-mail or website publication, and the declarations to the Hague Convention filed by China, Colombia, Germany, India, Pakistan, and Turkey do not expressly prohibit e-mail service or website publication. 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.”<sup>6</sup>

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

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<sup>5</sup> Colombia and Pakistan have made no objection to the service of documents in their respective territory by the alternative means of service outlined in Article 10 of the Convention.

<sup>6</sup> Composite Exhibit “1” also contains a true and correct printout of the Declaration/Reservation/Notification for China, Colombia, Germany, India, Pakistan, and Turkey 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=1209&disp=resdn>; <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=402&disp=resdn>; <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=984&disp=resdn>; <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=436&disp=resdn>; <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=425&disp=resdn> (last visited March 11, 2025).