

**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.

/

**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. On March 12, 2025, Plaintiff filed its *Ex Parte* Application for Temporary Restraining Order and Preliminary Injunction (the “Application for Temporary Restraining Order”) [ECF No. 8], which is currently pending before the Court. (See Declaration of Stephen M. Gaffigan in Support of Plaintiff’s *Ex Parte* Motion for Order Authorizing Alternate Service of Process on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3) (“Gaffigan Decl.”) ¶ 1, n.1, filed herewith.) 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.*) Further, Plaintiff is not requesting the Court seal its Order on this Motion. Rather, Plaintiff is filing this Motion so that, in the event Plaintiff’s Application for Temporary Restraining Order and this Motion is 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 through the Internet based e-commerce stores operating under Defendants' seller names identified 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 via 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 to Defendants' known e-mail addresses, including onsite contact forms embedded directly in Defendants' respective e-commerce stores. 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 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, as a means of communication. Specifically, Defendants are able to receive notice of this action electronically via e-mail to Defendants' e-mail addresses provided as part of the e-commerce store registration for the E-commerce Store Names, via e-mail to the e-mail addresses provided in connection with Defendants' respective e-commerce stores, including customer service e-mail addresses and onsite contact forms, or via e-mail to Defendants' registrars. (See Gaffigan Decl. ¶¶ 3-5.) As a practical matter, it is necessary for merchants who operate entirely online, such as Defendants, to provide customers with a valid 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 where their registrar administrator may communicate with them regarding issues related to the purchase, transfer, and maintenance of their e-commerce store accounts. Additionally, Plaintiff has created a serving notice website that will be appearing at the URL, <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. (See Gaffigan Decl. ¶ 6.)

Plaintiff's counsel obtained the publicly available registration records ("WHOIS" records) for each of the E-commerce Store Names identifying the contact e-mail addresses Defendants provided their registrars. (See Gaffigan Decl. ¶ 4.) Plaintiff's counsel also obtained the available e-mail addresses and onsite contact forms Defendants identified in connection with their respective e-commerce stores. (See Gaffigan Decl. ¶ 5.) 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. (Id.)

Plaintiff will also be able to provide each Defendant notice of this action via public announcement on Plaintiff's designated website. (See Gaffigan Decl. ¶ 6.) Plaintiff has created a publication website that will be appearing at the URL <http://servingnotice.com/Rsf5ca/index.html>, whereon copies of the Complaint, this 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. (Id.) The address for Plaintiff's Website will be provided to Defendants via e-mail to Defendants' known e-mail addresses and/or onsite contact forms and will be included as part of service of process in this matter. (Id.)

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.² (See Gaffigan Decl. ¶ 7.) 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. (See Gaffigan Decl. ¶ 3, n.2.) Defendants purport to take and confirm orders online

² The e-mail addresses for Defendants are provided on Schedule "A" hereto. (See Gaffigan Decl. ¶ 5.)

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. (See id.; see also relevant web captures from Defendants' Internet based e-commerce stores operating under the E-commerce Store Names displaying Richemont branded items offered for sale attached as Comp. Ex. "1" to the Declaration of Stephen M. Gaffigan in Support of Plaintiff's Application for Temporary Restraining Order [ECF Nos. 8-3 and 8-4], incorporated herein by reference.) Clearly, Defendants rely on electronic means as a reliable form 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. Inc., 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. Inc., 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. Inc., 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. Inc., 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. Inc., 284 F.3d at 1016. Accordingly, federal courts have allowed a variety of alternative service methods, including service by e-mail and 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. Inc., 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. Plaintiff has verified that each Defendant has 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 that Defendant, and consequently, the most reliable means of providing Defendants with notice of this action. (See Gaffigan Decl. ¶¶ 3-5.) 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, this Motion, and all other documents in this matter electronically via their Internet browser. (See id. at ¶ 6.)

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 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. See 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 Props., 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).³ Plaintiff submits that allowing e-mail service in the present case is appropriate and

³ See Richemont Int’l Sa v. Cartierclone.com, No. 23-60536-CIV-RUIZ, 2023 U.S. Dist. LEXIS 157949 (S.D. Fla. March 22, 2023, docketed March 23, 2023) (Order authorizing alternate service of process via, *inter alia*, e-mail); Fed’n of the Swiss Watch Indus. FH v. Bestintimes.me, No. 22-62000-CIV-RUIZ, 2022 U.S. Dist. LEXIS 234190 (S.D. Fla. Nov. 2, 2022, docketed Nov. 3, 2022) (same); Chanel, Inc. v. Replicachanelproduct.com, No. 22-61939-CIV-RUIZ, 2022 U.S. Dist.

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 826.⁴ A proposed method of website posting need only be “reasonably

LEXIS 242544 (S.D. Fla. Oct. 27, 2022, docketed Oct. 28, 2022) (same); adidas AG v. Adidasco.com, No. 22-61170-CIV-RUIZ, 2022 U.S. Dist. LEXIS 184743 (S.D. Fla. June 23, 2022) (same); Chanel, Inc. v. replicaschanelstore.com, No. 20-62554-CIV- RUIZ, 2020 U.S. Dist. LEXIS 248397 (S.D. Fla. Dec. 17, 2020) (same); YETI Coolers, LLC v. Individuals, No. 24-cv-24499-RUIZ (S.D. Fla. Dec. 6, 2024) (same); Abercrombie & Fitch Trading Co. v. Individuals, No. 24-cv-24707-RUIZ (S.D. Fla. Dec. 4, 2024) (same). See also Lacoste Alligator S.A. v. Individuals, Case No. 25-20243-CIV-GAYLES (S.D. Fla. Jan. 28, 2025) (same); adidas AG v. Adidaschinhhang.Net, No. 23-62427-CIV-DIMITROULEAS, 2024 U.S. Dist. LEXIS 34480 (S.D. Fla. Jan. 3, 2024) (same); Chanel, Inc. v. 21914270, No. 24-60261-CIV-SINGHAL, 2024 U.S. Dist. LEXIS 31199 (S.D. Fla. Feb. 23, 2024) (same); Tiffany (NJ) LLC v. Individuals, No. 23-62371-CIV-ROSENBERG, 2023 U.S. Dist. LEXIS 234584 (S.D. Fla. Dec. 29, 2023) (same); Gucci Am., Inc. v. Individuals, No. 23-61007-CIV-SMITH, 2023 U.S. Dist. LEXIS 234604 (S.D. Fla. Dec. 19, 2023, docketed Dec. 20, 2023) (same); Chanel, Inc. v. 21909944, No. 23-62279-CIV-BLOOM, 2023 U.S. Dist. LEXIS 215886 (S.D. Fla. Dec. 5, 2023) (same).

⁴ See, e.g., Richemont Int’l Sa v. Cartierclone.com, No. 23-60536-CIV-RUIZ, 2023 U.S. Dist. LEXIS 157949 (S.D. Fla. March 22, 2023, docketed March 23, 2023) (Order granting alternative service via e-mail service and by posting on plaintiff’s designated website); Fed’n of the Swiss Watch Indus. FH v. Bestintimes.me, No. 22-62000-CIV-RUIZ, 2022 U.S. Dist. LEXIS 234190 (S.D. Fla. Nov. 2, 2022, docketed Nov. 3, 2022) (same); Chanel, Inc. v. Replicachanelproduct.com, No. 22-61939-CIV-RUIZ, 2022 U.S. Dist. LEXIS 242544 (S.D. Fla. Oct. 27, 2022, docketed Oct. 28, 2022) (same); adidas AG v. Adidasco.com, No. 22-61170-CIV-RUIZ, 2022 U.S. Dist. LEXIS 184743 (S.D. Fla. June 23, 2022) (same); Chanel, Inc. v. replicaschanelstore.com, No. 20-62554-CIV- RUIZ, 2020 U.S. Dist. LEXIS 248397 (S.D. Fla. Dec. 17, 2020) (same); YETI Coolers, LLC v. Individuals, No. 24-cv-24499-RUIZ (S.D. Fla. Dec. 6, 2024) (same); Abercrombie & Fitch Trading Co. v. Individuals, No. 24-cv-24707-RUIZ (S.D. Fla. Dec. 4, 2024) (same). See also Lacoste Alligator S.A. v. Individuals, Case No. 25-20243-CIV-GAYLES (S.D. Fla. Jan. 28, 2025) (same); adidas AG v. Adidaschinhhang.Net, No. 23-62427-CIV-DIMITROULEAS, 2024 U.S. Dist. LEXIS 34480 (S.D. Fla. Jan. 3, 2024) (same); Chanel, Inc. v. 21914270, No. 24-60261-CIV-SINGHAL, 2024 U.S. Dist. LEXIS 31199 (S.D. Fla. Feb. 23, 2024) (same); Tiffany (NJ) LLC v. Individuals, No. 23-62371-CIV-ROSENBERG, 2023 U.S. Dist. LEXIS 234584 (S.D. Fla. Dec. 29, 2023) (same); Gucci Am., Inc. v. Individuals, No. 23-61007-CIV-SMITH, 2023 U.S. Dist. LEXIS 234604 (S.D. Fla. Dec. 19, 2023, docketed Dec. 20,

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 serving notice website that will be appearing at the URL <http://servingnotice.com/Rsf5ca/index.html>, whereon copies of the Complaint, this Motion, and all other pleadings, documents, and orders issued in this action will be posted. (See Gaffigan Decl. ¶ 6.) 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 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.

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 provided in connection with Defendants’ registrations and Internet e-commerce stores, including the investigative data provided thereunder,

2023) (same); Chanel, Inc. v. 21909944, No. 23-62279-CIV-BLOOM, 2023 U.S. Dist. LEXIS 215886 (S.D. Fla. Dec. 5, 2023) (same).

Plaintiff 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. (Gaffigan Decl. ¶ 8.) The United States, China, Colombia, Germany, India, Pakistan, and Turkey are signatories⁵ to the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters (the “Hague Service Convention”). (Gaffigan Decl. ¶ 9 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 to).⁶ Article 10 to the Hague Service Convention allows service of process through means other

⁵ Thailand and the United Arab Emirates are not signatories to the Hague Convention. (See Gaffigan Decl. ¶ 9, n.4)

⁶ See Richemont Int’l Sa v. Cartierclone.com, No. 23-60536-CIV-RUIZ, 2023 U.S. Dist. LEXIS 157949 (S.D. Fla. March 22, 2023, docketed March 23, 2023) (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); Fed’n of the Swiss Watch Indus. FH v. Bestintimes.me, No. 22-62000-CIV-RUIZ, 2022 U.S. Dist. LEXIS 234190 (S.D. Fla. Nov. 2, 2022, docketed Nov. 3, 2022) (same); Chanel, Inc. v. Replicachanelproduct.com, No. 22-61939-CIV-RUIZ, 2022 U.S. Dist. LEXIS 242544 (S.D. Fla. Oct. 27, 2022, docketed Oct. 28,

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, Germany, India, and Turkey have declared that they oppose the service of documents in their respective territories by the alternative means of service outlined in Article 10 of the Convention.⁷ (See Gaffigan Decl. ¶ 9 and Composite Exhibit "1" thereto, a true and correct printout of the Declaration/Reservation/Notification for China, Colombia, Germany, India, Pakistan, and Turkey in regard to the Hague Convention.) However, the objections are specifically limited to the means of service enumerated in Article 10, and China, Colombia, Germany, India, Pakistan, and Turkey have not expressly objected to service via e-mail or website posting. (See id.) "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

2022) (same); adidas AG v. Adidasco.com, No. 22-61170-CIV-RUIZ, 2022 U.S. Dist. LEXIS 184743 (S.D. Fla. June 23, 2022) (same); Chanel, Inc. v. replicaschanelstore.com, No. 20-62554-CIV-RUIZ, 2020 U.S. Dist. LEXIS 248397 (S.D. Fla. Dec. 17, 2020) (same); YETI Coolers, LLC v. Individuals, No. 24-cv-24499-RUIZ (S.D. Fla. Dec. 6, 2024) (same); Abercrombie & Fitch Trading Co. v. Individuals, No. 24-cv-24707-RUIZ (S.D. Fla. Dec. 4, 2024) (same). See also Lacoste Alligator S.A. v. Individuals, Case No. 25-20243-CIV-GAYLES (S.D. Fla. Jan. 28, 2025) (same); adidas AG v. Adidaschinhhang.Net, No. 23-62427-CIV-DIMITROULEAS, 2024 U.S. Dist. LEXIS 34480 (S.D. Fla. Jan. 3, 2024) (same); Chanel, Inc. v. 21914270, No. 24-60261-CIV-SINGHAL, 2024 U.S. Dist. LEXIS 31199 (S.D. Fla. Feb. 23, 2024) (same); Tiffany (NJ) LLC v. Individuals, No. 23-62371-CIV-ROSENBERG, 2023 U.S. Dist. LEXIS 234584 (S.D. Fla. Dec. 29, 2023) (same); Gucci Am., Inc. v. Individuals, No. 23-61007-CIV-SMITH, 2023 U.S. Dist. LEXIS 234604 (S.D. Fla. Dec. 19, 2023, docketed Dec. 20, 2023) (same); Chanel, Inc. v. 21909944, No. 23-62279-CIV-BLOOM, 2023 U.S. Dist. LEXIS 215886 (S.D. Fla. Dec. 5, 2023) (same).

⁷ 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. (See Gaffigan Decl. ¶ 9, n.5, and Comp. Ex. 1 thereto.)

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, Germany’s, India’s, and Turkey’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 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. (Gaffigan Decl. ¶ 8.) 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 designated serving notice website to Defendants via the e-mail addresses provided by each Defendant as part of the data related to its e-commerce store, including customer service e-mail addresses, onsite contact forms, and private messaging applications and/or services, or via the registrar of record for each of the E-Commerce Stores as identified on Schedule “A” hereto; 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/Rsf5ca/index.html>.

DATED: March 12, 2025.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

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Attorneys for Plaintiff

SCHEDULE A
DEFENDANTS BY NUMBER, E-COMMERCE STORE NAME,
AND MEANS OF CONTACT

Defendant Number	Defendant / E-commerce Store Name	Means of Contact
1	allswisswatchs.com	watchesc@outlook.com 2010watches@gmail.com
1	allwatchesen.com	2010watches@gmail.com
1	bestwatchss.com	watchesc@outlook.com
1	swissrepicass.com	2010watches@gmail.com
1	swisswatchesale.com	2010watches@gmail.com
2	any-replica-watches.com	anyreplicawatches@gmail.com Chrisanyreplicawatches@gmail.com Order@any-replica-watches.com
2	arwwatchpro.com	anyreplicawatches@gmail.com Chrisanyreplicawatches@gmail.com
3	bestcartierrep.com	bestcartierrep@gmail.com hello@unitedluxuryshop.com
4	bestfakejewelry.com	bestfakejewelry@gmail.com
4	luxuryjewelrywarehouse.com	replicajewelry98@gmail.com
5	buywatchesindubai.com	watchesindubai@gmail.com
5	replicawatchesinuae.com	watchesindubai@gmail.com
5	superclonewatchesdubai.com	watchesindubai@gmail.com
6	chreplica.is	chstore269@gmail.com
6	clean-factory.is	chstore269@gmail.com
7	clonewatch.is	contact@clonewatch.io
8	dubai-watchesuae.com	contact@dubai-watchesuae.com PW-F8E41551A887EB740C2AEE9048841C7B@PR IVACYGUARDIAN.ORG
9	hagobuy.ru	Service via Registrar
10	geektime.watch	geektimewatch@outlook.com
11	getwatches.ru	kerytony88@gmail.com
12	giftwatchesboutique.in	Sales@giftwatchesboutique.in
13	goldluxurys.com	watchgood@gmail.com info@goldluxurys.com

14	hellorolex.watch	sales@HelloRolex.com hellorolex@gmail.com hellook_sally@hotmail.com yuansunet@gmail.com
15	hontwatch-replica.si	oskarjohnatan54@gmail.com
16	hotwatchesreplica.com	salesreplicas@gmail.com
16	replicawatchshop.cc	salesreplicas@gmail.com
17	intime06.co	https://www.intime06.co/contact-us
18	iwatchclone.co	watchesppaservice@gmail.com
19	luxe-us.com	support@luxe-us.com
20	myswissclones.com	swisseta43@gmail.com
20	super-clones.com	swisseta43@gmail.com SUPER-CLONES.COM@WIX- DOMAINS.COM
20	swissauth.com	info@swissclones.com swisseta43@gmail.com SWISSAUTH.COM@WIX-DOMAINS.COM
20	swissclones.com	swisseta43@wixsiteautomations.com info@swissclones.com swisseta43@gmail.com
21	perfectrepwatches.com	info@perfectrepwatches.com 607D412D4ED1B7B05F30C43340E21AF2- 38626461@CONTACT.GANDI.NET
22	relojesreplicastarlujos.com	luxurys.club1@gmail.com relojesstarlujos@gmail.com 2508030trabajosstarlujos@gmail.com
23	replicaorologi.co	noobfactory@protonmail.ch
24	replicawatchescheap.com	Watchonlinestore1988@gmail.com carloasmatrix@gmail.com
24	reptime.us	watchonlinestore1988@gmail.com VATIFENS9@GMAIL.COM
25	replicawatchesusa.com	ReplicaWatches333@hotmail.com info@Royalwatchespakistan.com.pk info@Bob-Watches.com
25	royal-watches- pakistan.com.pk	info@Royalwatchespakistan.com.pk
25	Royalwatchespakistan.com. pk	Service via Alias
25	timezone.com.pk	info@TimeZone.com.pk

26	replicawatchtr.com	https://replicawatchtr.com/about-us#contact
27	rolexreplica.design	orders@rolexreplica.design
28	ukwatches.io	Service via Registrar
28	ukshop.io	Service via Registrar
29	watchcopiesale.co	popreplicaservice@gmail.com
30	18kcoraljewelry.com	coralperfect@gmail.com PW- 566B00F8A6987DB564DC9152F80FADC9@P RIVACYGUARDIAN.ORG