

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 24-61345-CIV-DIMITROULEAS**

TIFFANY (NJ) LLC,

Plaintiff,

vs.

THE INDIVIDUALS, BUSINESS ENTITIES,
AND UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A,"

Defendants.

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

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

1. I am counsel of record for Plaintiff, Tiffany (NJ) LLC ("Tiffany" or "Plaintiff") in the above captioned action. I submit this declaration, which is filed in support of Plaintiff's *Ex Parte*¹ 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.

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

2. On July 29, 2024, Plaintiff filed its *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction (the “Application for Temporary Restraining Order”) [DE 9]. I hereby incorporate by reference all factual allegations contained in my Declaration filed in Support of Plaintiff’s Application for Temporary Restraining Order [DE 9-2].

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 websites advertise, offer for sale, and/or promote products bearing and/or using counterfeits and infringements of one or more of Tiffany’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.² 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 the Tiffany 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 addresses for the E-commerce Store Names and discovered Defendants use privacy protection

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 Tiffany’s trademarks via the E-commerce Store Names; accordingly, Defendants are using their e-mail addresses to facilitate their counterfeiting operations.

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. Tiffany will notify Defendants of this action via website posting. Tiffany 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/TSRa9O/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 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. Tiffany has investigated Defendants and has reasonable cause to suspect Defendants reside and/or operate in the People’s Republic of China (“China”), Canada, Brazil, France, the Federal Republic of Germany (“Germany”), Iceland, the Islamic Republic of Pakistan (“Pakistan”), the United Kingdom of Great Britain and Northern Ireland (“United Kingdom”), Socialist Republic of Viet Nam (“Vietnam”), or other foreign countries, and/or redistribute products from sources in those locations. Tiffany’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 Tiffany has not identified a valid address for service of process on Defendants or determined Defendants’ exact locations, Tiffany 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”),³ to which the United States, China, Canada, Brazil, France, Germany, Iceland, Pakistan, the United Kingdom, and Vietnam are signatories. China, Brazil, Germany, Iceland, the United Kingdom, and Vietnam have declared that they oppose, either fully or partially, the service of documents in their respective territories by the alternative means of service outlined in Article 10 of the Convention, including

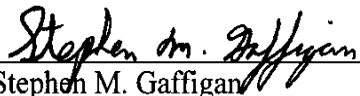
³ See also Hague Service Convention, November 15, 1965, 20 U.S.T. 361, available at <https://www.hcch.net/en/instruments/conventions/full-text/?cid=17> (last visited July 29, 2024) (full text of the Hague Service Convention); <https://www.hcch.net/en/instruments/conventions/status-table/?cid=17> (last visited July 29, 2024) (listing the current contracting states).

the service of process by postal channels.⁴ However, the Hague Convention does not preclude service by e-mail or website publication, and the declarations to the Hague Convention filed by China, Canada, Brazil, France, Germany, Iceland, Pakistan, the United Kingdom, and Vietnam 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.”⁵

⁴ Canada, France, 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. 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).

⁵ Composite Exhibit “1” also contains a true and correct printout of the Declaration/Reservation/Notification for China, Canada, Brazil, France, Germany, Iceland, Pakistan, the United Kingdom, and Vietnam in regard to the Hague Convention, available at <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=393&disp=resdn>; <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=392&disp=resdn>; <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=1399&disp=resdn>; <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=401&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=1033&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=427&disp=resdn>; <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=1337&disp=resdn> (last visited July 29, 2024).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 29th day of July, 2024, at Hollywood, Florida.



Stephen M. Gaffigan