

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 22-62000-CIV-RUIZ**

FEDERATION OF THE SWISS  
WATCH INDUSTRY FH, *et al.*,

Plaintiffs,

vs.

BESTINTIMES.ME, *et al.*

Defendants.

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**PLAINTIFFS' MOTION TO ENFORCE JUDGMENT FOR A SPECIFIC ACT  
WITH MEMORANDUM OF LAW IN SUPPORT THEREOF**

Pursuant to Rule 70 of the Federal Rules of Civil Procedure, Plaintiffs Federation of the Swiss Watch Industry FH, Audemars Piguet Holding SA, Breitling SA, Breitling U.S.A. Inc., Hublot SA, Genève, Omega SA, Patek Philippe SA Geneve, Henri Stern Watch Agency, Inc., Turlen Holding SA, and LVMH Swiss Manufactures SA ("Plaintiffs"), hereby move this Court for an order directing the Clerk of Court to execute the documents attached hereto, transferring the domain names identified on Schedule "A" hereto (the "Subject Domain Names"),<sup>1</sup> and all rights, title, and interest to each of the Subject Domain Names to Plaintiffs on behalf of certain Defendants, the Individuals, Business Entities, or Unincorporated Associations identified on Schedule "A" hereto (collectively the "Noncomplying Defendants"). In support thereof, Plaintiffs state as follows:

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<sup>1</sup> Plaintiffs are limiting their request for relief to the specific Subject Domain Names identified on Schedule "A" hereto, as they have not been transferred to Plaintiffs as required by the Default Final Judgment and Permanent Injunction entered in this matter. (See Declaration of Virgilio Gigante in Support of Plaintiffs' Motion to Enforce Judgment for a Specific Act ("Gigante Decl.") ¶ 2, n.1, filed herewith.)

1. On December 19, 2022, Plaintiffs filed their Motion for Entry of Final Default Judgment Against the Defendants identified on Schedule “A” thereto (the “Defendants”) [ECF No. 29].<sup>2</sup> On December 27, 2022, the Court entered Default Final Judgment and Permanent Injunction (the “FDJ”) [ECF No. 29], in favor of Plaintiffs and against Defendants on all counts of the Complaint, and enjoining Defendants, *inter alia*, from “manufacturing, causing to be manufactured, importing, advertising, promoting, distributing, selling, or offering to sell counterfeit and infringing goods bearing and/or using Plaintiffs’ trademarks,” and from “falsely representing themselves as being connected with Plaintiffs through sponsorship or association.” (See [ECF No. 29] at Para. 2(a) and (d).)

2. The FDJ, among other things, ordered the Subject Domain Names which are owned by Defendants, “to be *immediately transferred by Defendants*, their assignees and/or successors in interest or title, and the Registrars to Plaintiffs’ control.” (See [ECF No. 29], at Para. 2(a)) (emphasis added).

3. The FDJ also ordered Defendants, their agent(s) or assign(s), (i) assign all rights, title, and interest to the Subject Domain Names to Plaintiffs, and (ii) instruct in writing all search engines to permanently delist or deindex the Subject Domain Name(s), and if Defendants fail to make such an assignment and written instruction within “*five (5) days of receipt of this Order ...*” the Court shall order the act to be done by another person appointed by the Court at Defendants’ expense, such as the Clerk of Court, pursuant to Federal Rule of Civil Procedure 70(a).” (See [ECF No. 29], at Para. 3(b) and (c)) (emphasis added).

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<sup>2</sup> Plaintiffs’ Motion for Entry of Final Default Judgment Against Defendants and the supporting declarations attached thereto are incorporated herein by reference.

4. On December 30, 2022, Plaintiffs' counsel served a copy of the FDJ upon Defendants via e-mail and website posting at <http://servingnotice.com/WoS5n1/index.html>. (See [DE Nos. 30–32], Certificates of Service on file with the Court.)

5. However, as of the filing of this Motion, the Noncomplying Defendants have not complied with the Court's Order expressly requiring Defendants to transfer the Subject Domain Names to Plaintiffs. (See Gigante Decl. ¶ 2.) Furthermore, the Noncomplying Defendants have not complied with the Court's Order expressly requiring the transfer to Plaintiffs of all rights, title, and interest to the Subject Domain Names and the delisting or deindexing of the Subject Domain Names from all search engines. (*Id.* at ¶ 3.) Because the Noncomplying Defendants did not transfer the Subject Domain Names and/or assign all rights, title, and interest to the Subject Domain Names to Plaintiffs, or delist or deindex those Subject Domain Names from all search engines within five business days of receiving the judgment, the Noncomplying Defendants are in violation of the Court's Final Default Judgment and Permanent Injunction.

6. Rule 70(a) of the Federal Rules of Civil Procedure ("Rule 70") states as follows:

If a judgment requires a party to convey land, to deliver a deed or other document, or to perform any other specific act and the party fails to comply within the time specified, the court may order the act to be done—at the disobedient party's expense—by another person appointed by the court. When done, the act has the same effect as if done by the party.

Rule 70 is designed to ensure compliance with Court directives. In this instance, because the Noncomplying Defendants did not transfer the Subject Domain Names and/or transfer all rights, title, and interest to those Subject Domain Names to Plaintiffs as directed, Plaintiffs submit that the Court may properly appoint a third-party to perform the ordered transfers on behalf of the Noncomplying Defendants and order that the transfers, once completed, shall have the same effect as though the Subject Domain Names have been transferred by the Noncomplying Defendants.

7. Plaintiffs submit that the Clerk of Court is an appropriate third-party to be appointed by the Court to execute the specific act of transfer of the Subject Domain Names and all rights, title, and interest thereto as ordered in the FDJ. See Chanel, Inc. v. chanelfakestore.com, Case No. 21-cv-61640-RAR (S.D. Fla. Dec. 1, 2021) (Order appointing the Clerk of Court to execute assignment of a domain name in place of defendant); Chanel, Inc. v. 2ureplicachanel.com, Case No. 21-cv-60335-RAR (S.D. Fla. Apr. 30, 2021) (same); Chanel, Inc. v. Chanelbags.ru, Case No. 20-cv-62335-RAR (S.D. Fla. Feb. 1, 2021) (same); Chanel, Inc. v. 3ureplicachanel.com, Case No. 20-cv-61281-RAR (S.D. Fla. Sept. 21, 2020) (same); Louis Vuitton Malletier v. aaalvshop.com, Case No. 19-cv-61986-RAR (S.D. Fla. Jan. 30, 2020) (same); see also Louis Vuitton Malletier v. asbagstore.com, Case No. 22-cv-62083-JIC (S.D. Fla. Mar. 1, 2023) (same); Chanel, Inc. v. chanelfakehandbags.com, Case No. 22-cv-60901-RS (S.D. Fla. July 6, 2022) (same); Louis Vuitton Malletier v. 99usd-louisvuitton.top, Case No. 20-cv-62619-RKA (S.D. Fla. Apr. 16, 2021) (same); The North Face Apparel Corp. v. autnfoutletstore.com, Case No. 20-cv-62246-AHS (S.D. Fla. Dec. 29, 2020) (same); The North Face Apparel Corp. v. thenorthfaceslovensko.com, Case No. 19-cv-63116-DPG (S.D. Fla. May 6, 2020) (same); Tiffany (NJ) LLC v. tiffanyoutletonline.top, Case No. 19-cv-62246-UU (S.D. Fla. Dec. 6, 2019).

WHEREFORE, Plaintiffs respectfully request this Court enter an order pursuant to Rule 70 appointing the Clerk of Court as the person to execute the transfer of the Subject Domain Names identified on Schedule “A” hereto, on behalf of the Noncomplying Defendants using the form transfer documents attached hereto as Composite Exhibit “1.”

DATED: March 14, 2023.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: **Virgilio Gigante**

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**SCHEDULE “A”**  
**NONCOMPLYING DEFENDANTS BY NUMBER AND SUBJECT DOMAIN NAME**

<b>Defendant Number</b>	<b>Defendant / Subject Domain Name</b>
1	king-watches.cn
2	arfactory.com.cn
2	bestreplicawatch.cn
2	discountwatches.cn
2	menswatches.com.cn
2	omegashop.net.cn
2	replicawatch.ac.cn
2	watchesoutlet.com.cn
3	omegafamily.co
4	allswisswatch.eu
4	allswisswatch.is
4	elitereplicawatch.eu
4	elitereplicawatch.is
4	replicahaus.ca
4	replicahause.com.au
4	replicahause.fr
4	replicahause.is
4	shopreplica.eu
4	thereplicahaus.es
5	replicamagic.is
5	replicamagicwatch.me
6	replicasale.vip
6	swisswatches.vip
8	aaareplicawatch.co
9	affordablewatches.ru
10	annashop.com.ua
11	biao.sr
12	avenwatchesalike.co
13	bywatch.co
14	chasy-vip.by
15	chinanoobwatch.cx
21	x-watches.co
23	copywatchalike.is
25	deuhr.de
26	donghosieure.vn
27	eta-uhren.de
29	watchfeed.co
30	frs.fo

31	hahabags.ru
31	ihahabags.ru
32	hontwatch.ru
34	intime06.co
35	intimereplica.co
37	iwatchclone.co
38	jemontres.co
39	jtime.io
40	luxurypurse.cn
40	replicaswatches.co
40	ukwatches.cn
42	minutka.by
45	mywatches.com.pk
45	replicawatches.pk
45	rshop.com.pk
48	orologiit.it
50	oscarfreirerelojoaria.com.br
55	relojesreplicas.es
55	replikuhrenshop.de
56	replicamade.is
57	replica-relojes.es
57	replicas-relojs.es
58	replicashop1.com.ua
59	replicas-relojes.es
62	rolexwanduhr.de
63	royalwatches.pk
65	teatrorivellino.it
67	time-expert.com.ua
70	vipwatches.eu
73	watchi.co
77	watch-paradise-1.ru
77	watch-paradise-1.su
78	wristclone.ru
79	yupoo.com.ru
79	yupoobrand.ru

**CERTIFICATE OF SERVICE**

HEREBY CERTIFY that a true and correct copy of the foregoing was served March 14, 2023, upon the Noncomplying Defendants via the e-mail to the e-mail addresses at which Defendants were served and/or via website posting on Plaintiffs' Internet website appearing at the URL <http://servingnotice.com/WoS5n1/index.html>.

**Virgilio Gigante**  
Virgilio Gigante