

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 24-23663-CIV-BLOOM**

GOYARD ST-HONORE,

Plaintiff,

vs.

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

Defendants.

/

PLAINTIFFS' RULE 26(a) INITIAL DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a) and in compliance with the Order Setting Trial and Pre-Trial Schedule, Requiring Mediation, and Referring Certain Matters To Magistrate Judge, dated September 25, 2024, ECF No. [7] (the "Pretrial Order"), Plaintiff Goyard St-Honore ("Plaintiff" or "Goyard"), hereby submits its Initial Disclosures in this action.

As a preliminary matter, Plaintiff notes that its investigation of this matter is continuing, and discovery is set to begin. Plaintiff anticipates that such investigation and/or discovery may lead to additional information, witnesses, and/or documents relevant to this action. Therefore, Plaintiff reserves its right to supplement these disclosures as such additional information, witnesses, and/or documentation become known and/or available to it, as required by the Federal Rules of Civil Procedure and the Local Rules of this Court.

I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION

The following individuals and entities are presently known and/or believed by Plaintiff to have information relevant to the facts alleged with particularity in this action. Plaintiff makes no representation regarding the order of listing of the individuals and entities as being indicative of the scope of its knowledge, or lack thereof. Furthermore, as indicated above, Plaintiff anticipates that further investigation and/or discovery will identify additional witnesses who may have relevant information and/or be called to testify at trial.

In addition, while Plaintiff is informed and believes that the individuals and entities listed below may have knowledge regarding some or all of the allegations in the pleadings in this action, Plaintiff reserves the right to depose and/or call (or refuse to call) at trial the individuals and/or representative of the entities listed below on any subject relevant to any issue in this action, and/or reasonably calculated to lead to the discovery of admissible evidence in this matter. Plaintiff reserves the right to supplement the list below with additional and/or different individuals, as well as additional and/or different subject matter known to those individuals and/or entities, in conformity with the Federal Rules of Civil Procedure and the Local Rules of this Court.

1. Kathleen Burns
c/o Invisible Inc
14223 N. 56th Place
Scottsdale, Arizona 85254

Ms. Burns has knowledge concerning the investigation of Defendants' importation, purchase, advertisement, promotion, distribution and/or sale of products bearing the Goyard Marks at issue herein.

2. Jean-Laurent Thierry
Chief Executive Officer
16 Place Vendôme
Paris, France 75001

Mr. Thierry has knowledge regarding Plaintiff's ownership of the trademarks at issue in this matter, the distribution in the United States of goods under the Goyard Marks, the Defendants' lack of authority to use the Goyard Marks, secondary meaning related to the trademarks in suit, and the counterfeit and infringing nature of the Defendants' goods.

3. The Defendants identified on Schedule A to the First Amended Complaint (the "Amended Complaint")

The individual(s) and/or representative(s) of each Defendant identified on Schedule A of the Amended Complaint has knowledge concerning the use of the Goyard Marks at issue in this matter, in addition to the importation, purchase, advertisement, promotion, distribution and/or sale of products bearing those Marks, and the Amended Complaint received in this proceeding.

4. PayPal, Inc.
2211 North First Street
San Jose, California 95131

The representative(s) of PayPal, Inc. with the most knowledge concerning each Defendant's registration of its accounts and transactions processed through its accounts.

II. DOCUMENTS, DATA COMPILATIONS, AND TANGIBLE THINGS

Plaintiff hereby identifies the following categories of documents, data compilations and tangible things in its possession, custody, or control that it may use to support its claims or defenses, unless solely for impeachment:

- a. Trademark registrations for the Goyard Marks at issue in the proceedings, attached as Exhibit 1 to the Amended Complaint, ECF No. [20-1].
- b. Captures, detailing various products bearing at least one of the Goyard Marks at issue advertised, promoted, and offered for sale by Defendants via their respective online business operation detailed on Schedule A to the Amended Complaint attached as exhibits, ECF Nos. [9-4], [9-5], and [9-6] to the Declaration of Kathleen Burns in support of Plaintiff's *Ex Parte* Application for Temporary Restraining Order, ECF No. [9].

III. COMPUTATION OF DAMAGES

Plaintiff's claims for damages may be based, in part, on the profits and earnings the Defendants have received from the advertising, promotion, distribution and sale of infringing and counterfeit goods bearing the Goyard Marks at issue herein. The computation of these damages may be based in part on the documentation and testimony obtained from the Defendants concerning the products bearing the Goyard Marks sold by the Defendants. Because the scope of the Defendants' activities is not yet fully known, the exact nature and extent of Plaintiff's damages is likewise not yet known. As such, Plaintiff is unable to provide a precise calculation of the amounts of damages sustained. The method of calculation may depend, to some extent, on the documentation and testimony obtained during discovery, and may necessitate expert testimony which is not yet due. As such, Plaintiff is unable to specify the precise method of calculation of damages but anticipates it will be based on standard economic methodologies. Plaintiff also seeks all other remedies available under the Lanham Act, including but not limited to treble damages, disgorgement of profits, statutory damages, attorneys' fees, investigation costs, and permanent injunctive relief, including, but not limited to, transfer of the Defendants' E-commerce stores.

IV. RELEVANT INSURANCE AGREEMENTS

Plaintiff is presently unaware of any insurance policy under which coverage exists within the meaning of Fed. R. Civ. P. 26(a)(1)(D).

DATED: October 8, 2024.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: **Annie O'Leary**

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Attorneys for Plaintiff, GOYARD ST-HONORE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 8, 2024, a true copy of the foregoing was served upon Defendants via e-mail to the e-mail addresses at which Defendants were served and via website posting by posting copies of the same on the Court authorized serving notice website located at the URL: <https://servingnotice.com/Ym35CU/index.html>.

Annie O'Leary
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