

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 21-62079-CIV-ALTMAN**

CHANEL, INC.,

Plaintiff,

vs.

FAKESCHANELSHOP.COM, *et al.*,

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, Chanel, Inc. (“Chanel” or “Plaintiff”) in the above captioned action. I submit this Declaration, which is filed in support of Plaintiff’s *Ex Parte* Motion for Order Authorizing Alternate Service of Process (the “Motion for Alternate Service”) on Defendants, the Individuals, Business Entities, and Unincorporated Associations identified on Schedule “A” to Plaintiff’s Motion for Alternate Service (collectively, “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.

2. On October 6, 2021, Chanel filed its *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction (the “Application for Temporary Restraining Order”) [ECF No. 5]. I hereby incorporate by reference all factual allegations contained in my

Declaration in Support of Plaintiff's Application for Temporary Restraining Order [ECF No. 5-2].¹

3. Prior to filing this action, my firm accessed the fully interactive, commercial Internet websites and supporting domains operating under the domain names identified on Schedule "A" attached to Plaintiff's Complaint (the "Subject Domain Names"). The websites advertise, offer for sale, and/or promote products bearing and/or using counterfeits and infringements of one or more of Chanel's trademarks at issue in this action. Defendants have structured their website businesses so that the primary means for customers to purchase Defendants' counterfeit goods at issue is by placing an order electronically. Defendants purport to take and confirm orders online as well via e-mail, and they communicate with customers via electronic means, including e-mail and onsite contact forms.² True and correct copies of the web pages captured and downloaded by my firm reflecting samples of the Internet websites operating under the Subject Domain Names displaying Chanel branded items offered for sale are attached as Composite Exhibit "2" to Plaintiff's Complaint [ECF Nos. 1-3 through 1-4].

4. My firm obtained the publicly available domain name registration data ("WHOIS" records) for the Internet websites operating under Defendants' Subject Domain Names. Additionally, my firm obtained the available e-mail addresses and onsite contact forms

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

² Defendants use their e-mail addresses in connection with their counterfeiting activities, to promote, offer for sale, and/or sell goods bearing counterfeits and infringements of Chanel's trademarks via the Subject Domain Names; accordingly, Defendants are using their e-mail addresses to facilitate their counterfeiting operations. See generally Composite Exhibit "2" to the Complaint.

identified in connection with Defendants' respective Internet websites. The e-mail addresses and other means of electronic contact for Defendants are provided on Schedule "A" to Plaintiff's Motion for Alternate Service.

5. Each Defendant will be provided with notice of this action electronically via e-mail by providing the address to Chanel's designated serving notice website to the e-mail addresses provided by Defendants as part of the domain registration data for each of the Subject Domain Names or on their respective websites 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.

6. Additionally, Chanel will notify Defendants of this action via website posting. Chanel has created a serving notice website and will be posting copies of the Complaint, the Application for Temporary Restraining Order, this Motion, and all other pleadings and documents on file in this action on its designated website located at <http://servingnotice.com/c30pZ/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 accounts, and will be included as part of service of process in this matter.

7. Chanel has investigated Defendants and determined that their illegal operations are most likely based in and/or shipping from the People's Republic of China ("China"), Russian Federation ("Russia"), Republic of Turkey ("Turkey"), United Kingdom of Great Britain and Northern Ireland ("UK"), or other foreign countries and/or redistribute products from sources in

those countries. Chanel's investigation looked at multiple connection data points, such as data Defendants identified in the WHOIS records for each of their respective Subject Domain Names, as well as information contained on Defendants' actual websites operating thereunder and investigative data in connection to the websites. While Chanel has not been able to determine Defendants' exact locations, Chanel has good cause to believe Defendants are not residents of the United States.

8. 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, Russia, Turkey, and the UK are signatories. China, Russia, Turkey, and the UK have declared that they oppose, either partially or fully, to the service of documents in their respective territory by the alternative means of service outlined in Article 10 of the Convention, including the service of process by postal channels. However, the Hague Convention does not preclude service by e-mail, and the declarations to the Hague Convention filed by China, Russia, Turkey, and the UK do not expressly prohibit service via e-mail or website posting. 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."⁴

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 October 4, 2021) (full text of the Hague Service Convention); <https://www.hcch.net/en/instruments/conventions/status-table/?cid=17> (last visited October 4, 2021) (status table listing the current contracting states).

⁴ Composite Exhibit "1" also contains a true and correct printout of China's, Russia's, Turkey's, and UK's respective Declaration/Reservation/Notification in regards 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=418&disp=resdn>, <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=425&disp=resdn>, and

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 6th day of October, 2021, at Hollywood, Florida.


Stephen M. Gaffigan

<https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=427&disp=resdn>, respectively, (last visited October 4, 2021).