

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 21-61332-CIV-RUIZ**

CHANEL, INC.,

Plaintiff,

vs.

ANALUXURYFASHION, *et al.*,

Defendants.

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**JUDGMENT CREDITOR'S MOTION FOR ORDER AUTHORIZING DISCOVERY IN  
AID OF EXECUTION OF JUDGMENT**

Judgment Creditor, Chanel, Inc. ("Judgment Creditor" or "Chanel"), by and through its undersigned counsel, hereby moves this Court for an Order Authorizing the Initiation of Discovery in Aid of Execution of Judgment. As grounds therefore, Judgment Creditor states as follows:

1. On June 28, 2021 and July 26, 2021, Judgment Creditor filed its Complaint and Amended Complaint for Damages and Injunctive Relief against Judgment Debtors, respectively, alleging trademark counterfeiting and infringement, false designation of origin, cybersquatting, common law unfair competition, and common law trademark infringement [ECF Nos. 1, 16].

2. On June 29, 2021, Judgment Creditor filed its *Ex Parte* Motion for Order Authorizing Alternate Service of Process on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3) ("Motion for Alternate Service"), [ECF No. 7]. On July 2, 2021, the Court entered an Order granting Judgment Creditor's Motion for Alternate Service of Process, [ECF No. 10], authorizing Judgment Creditor to serve the Summonses, Complaint, and all filings in this matter upon Judgment Debtors via electronic mail ("e-mail") or via website posting by posting copies of the same on Judgment Creditor's designated serving notice website. (See Declaration of Stephen M. Gaffigan in Support of Judgment Creditor's Motion for Order Authorizing Discovery in Aid of Execution of Judgment ["Gaffigan Decl."] ¶ 2, filed herewith.)

3. On July 27, 2021 and July 29, 2021, pursuant to the Court's Order authorizing alternate service, Judgment Creditor served each Judgment Debtor with its respective Summons, a copy of the Complaint, and a copy of the Amended Complaint by e-mail and via Judgment Creditor's designated serving notice website appearing at the URL, <http://servingnotice.com/cp05e/index.html>. (See Gaffigan Decl. ¶ 3; see also [ECF No. 31], Affidavits of Service on file with the Court.)

4. Judgment Debtors failed to answer or otherwise respond to the Amended Complaint or serve a copy of any Answer or other response in a timely manner and on September 10, 2021, and on September 13, 2021, respectively, the Clerk entered Default against the Judgment Debtors, [ECF Nos. 33, 35]. (See Gaffigan Decl. ¶ 4.)

5. On October 8, 2021, Judgment Creditor moved for entry of Default Final Judgment [ECF No. 37], which the Court granted on October 12, 2021 [ECF No. 38, entered on the docket on October 13, 2021]. Also on October 12, 2021, the Court entered a Default Final Judgment and Permanent Injunction ("Default Final Judgment") [ECF No. 39, entered on the docket on October 13, 2021].

6. As part of the Default Final Judgment, Judgment Creditor was awarded statutory damages pursuant to 15 U.S.C. section 1117(c) against each Judgment Debtor in the amount of \$2,000,000.00 (the "Statutory Damages Award") [ECF No. 39].

7. To date, Judgment Creditor has not recovered funds in full satisfaction of its Statutory Damages Award. (See Gaffigan Decl. ¶ 5.)

8. Judgment Creditor hereby moves the Court, pursuant to Rule 69(a)(2), Federal Rules of Civil Procedure, for an Order authorizing discovery in aid of the execution of judgment.

9. Judgment Creditor seeks to issue subpoenas and possibly depose third parties including PayPal, Inc., and PayPal (Europe) S.à r.l. et Cie, S.C.A. (See Gaffigan Decl. ¶ 6.)

10. Judgment Creditor respectfully submits it should be allowed to proceed with discovery in aid of the execution of judgment so that Judgment Creditor may gather information regarding the Judgment Debtors' financials to which it is entitled to pursue satisfaction of the Statutory Damages Award. Federal Rule of Civil Procedure 69 states that "[i]n aid of the judgment or execution, the judgment creditor ... whose interest appears of record may obtain discovery from any person ... as provided in these rules or by the procedure of the state where the court is located." Federal Rule of Civil Procedure 69 allows for broad discovery, entitling judgment creditor to obtain discovery from both the judgment debtor and third parties pertinent to the goal of discovering concealed assets of the judgment debtor. See Wachovia Bank v. Tien, No. 04-CV-20834, 2015 U.S. Dist. LEXIS 190672, 2015 WL 13240005, at \*1 (S.D. Fla. Sept. 23, 2015) (in a post-judgment scenario, "the creditor has the right to discover any assets the debtor might have that could be subject to levy or execution not satisfy the judgment, or assets the debtor might have recently transferred"); Democratic Republic of Congo v. Air Cap. Grp., LLC, 2018 U.S. Dist. LEXIS 2943, 2018 WL 324976, at \*2 (S.D. Fla. Jan. 8, 2018) (stating that Fed. R. Civ. Pro. 69 authorizes a judgment creditor to obtain discovery from both the judgment debtor and third parties, and to utilize all the discovery devices available to him under the Federal Rules); Floridians for Solar Choice, Inc. v. PCI Consultants, Inc., No. 15-CV-62688, 2019 U.S. Dist. LEXIS 18237, 2019 WL 10058909, at \*1 (S.D. Fla. Feb. 5, 2019).

WHEREFORE, Judgment Creditor, Chanel, Inc., respectfully requests, for good cause shown, this Court issue an Order authorizing Judgment Creditor to initiate discovery in aid of execution of judgment in this matter.

DATED: December 21, 2023.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: **Stephen M. Gaffigan**

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Attorneys for Plaintiff, CHANEL, INC.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing was served this 21st day of December, 2023, upon Judgment Debtors via e-mail to the e-mail addresses at which Judgment Debtors were served or via Judgment Creditor's Website by posting a true and accurate copy of the foregoing on the URL appearing at <http://servingnotice.com/cp05e/index.html>.

**Stephen M. Gaffigan**

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