

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

CHANEL, INC.,

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**

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

1. I am the 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*<sup>1</sup> Motion for Order Authorizing Alternate Service of Process (the "Motion for Alternate Service of Process") on Defendants, the Individuals, Business Entities, and Unincorporated Associations Identified on Schedule "A" thereto (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.

---

<sup>1</sup> Chanel is moving for alternate service *ex parte* as Chanel has yet to provide Defendants with notice of this action. On June 29, 2021, Chanel filed its *Ex Parte* Application for Temporary Restraining Order, Preliminary Injunction, and Order Restraining Transfer of Assets ("Application for Temporary Restraining Order") [ECF No. 6], which is currently pending before the Court. This Motion makes reference to Chanel's Application for Temporary Restraining Order, and as such, Chanel seeks to prevent premature disclosure of that filing. However, Chanel is filing this Motion so that, in the event Chanel's Application for Temporary Restraining Order and this Motion are granted, Chanel can effectuate service of process pursuant to Rule 4 of the Federal Rules of Civil Procedure simultaneously with providing notice of the Court's order on Chanel's Application for Temporary Restraining Order.

2. On June 29, 2021, Chanel filed its Application for Temporary Restraining Order [ECF No. 6]. I hereby incorporate by reference all factual allegations contained in my Declaration filed in Support of Chanel's Application for Temporary Restraining Order [ECF No. 6-2].

3. Specifically, Defendant Numbers 1-21 and 25-49 can be contacted via the onsite contact forms embedded directly on their e-commerce stores, photo albums, or websites. These Defendants use money transfer and retention services with PayPal, Inc. ("PayPal"), as a method to receive monies generated through the sale of counterfeit products.<sup>2</sup> I also know from multiple past actions involving the restraint of payment accounts that PayPal accounts are actually the e-mail addresses used by PayPal to communicate with the account owners. As a practical matter, the PayPal account e-mail addresses for these Defendants must necessarily be working e-mail addresses; otherwise, Defendants would not be able to process payments through their PayPal accounts. Moreover, pursuant to PayPal's Electronic Communications Delivery Policy (E-Sign Disclosure and Consent),<sup>3</sup> PayPal account holders consent to receive all communication electronically, including via e-mail, and are required to maintain a valid e-mail address. In fact, if PayPal discovers an e-mail address has become invalid such that electronic communications sent to the e-mail address by PayPal are returned, PayPal may deem the account to be inactive and disable transaction activity until a valid, working e-mail address is provided. I know from multiple past actions that PayPal identifies these contact e-mail addresses for the Defendants at

---

<sup>2</sup> Defendants 90, 275, 303, and 310, who operate via the non-party Internet marketplace platform Wish.com or DHgate.com, also use money transfer and retention services with PayPal as an additional payment method in connection with its counterfeiting activities.

<sup>3</sup> See PayPal's Electronic Communications Delivery Policy (E-Sign Disclosure and Consent), available at [https://www.paypalobjects.com/webstatic/ua/pdf/US/en\\_US/esign.pdf](https://www.paypalobjects.com/webstatic/ua/pdf/US/en_US/esign.pdf) (last visited June 29, 2021).

issue upon compliance with a temporary restraining order, such as the temporary restraining order Chanel is requesting in the instant case.

4. Defendant Numbers 22-24 operate their respective e-commerce stores via the Internet marketplace website, AliExpress.com. As such AliExpress.com's Messaging Service is an available means for contacting Defendant Numbers 22-24. I know from multiple past actions that AliExpress.com's Messaging Service is a system that facilitates communication between customers and merchants in the AliExpress.com marketplace.<sup>4</sup> By using the Messaging Service, a customer can communicate with an AliExpress merchant in the same way as a real e-mail address. Additionally, AliExpress allows a customer to see a copy of the message on the Messages Center page in the customer's account. I also know from multiple past actions that AliExpress.com maintains additional contact e-mail addresses for sellers operating via AliExpress.com, and based upon a prior action, AliExpress.com identifies these additional contact e-mail addresses for all Defendants at issue upon compliance with a temporary restraining order, such as the temporary restraining order Chanel is requesting in the instant case.

5. Amazon.com's ("Amazon") Buyer-Seller Messaging Service is an available means for contacting Defendant Numbers 50-57. I know that Amazon's Buyer-Seller Messaging Service is a system that facilitates communication between customers and merchants in the Amazon marketplace. By using the Buyer-Seller Messaging Service, a customer can communicate with an Amazon merchant via a unique anonymized electronic mail ("e-mail")

---

<sup>4</sup> See How to contact seller, available at <https://service.aliexpress.com/page/knowledge?pageId=37&category=1000022034&knowledge=1060073785&language=en#How%20to%20contact%20seller?> (last visited June 29, 2021).

address. This anonymized e-mail alias is treated in the same way as a real e-mail address.<sup>5</sup> E-mails sent via Amazon's Buyer-Seller Messaging Service are routed to the merchant via the anonymized e-mail address. Additionally, Amazon maintains a history of all e-mails routed through its system and allows a customer to see a copy of the e-mail on the Messages page in the customer's account. More importantly, customers are automatically notified when an e-mail message is not delivered to the merchant, or the merchant's e-mail address is invalid. I also know that Amazon maintains additional contact e-mail addresses for sellers operating via Amazon.com, and based upon multiple past actions, Amazon identifies these additional contact e-mail addresses for all Defendants at issue upon compliance with a temporary restraining order, such as the temporary restraining order Chanel is requesting in the instant case.

6. Defendant Numbers 58-247 operate their respective e-commerce stores via the Internet marketplace website, Wish.com. As such, Defendant Numbers 58-247 provide an available means of electronic contact in the form of Wish.com's messaging system. I know from multiple past actions that Wish.com's messaging system facilitates communications between customers and merchants in the Wish.com marketplace through the customer's Order History webpage. I also know that ContextLogic, Inc., which operates the Wish.com website, maintains contact e-mail addresses for sellers operating via Wish.com, and based upon past actions, ContextLogic, Inc. identifies these additional contact e-mail addresses for all Defendants at issue upon compliance with a temporary restraining order, such as the temporary restraining order Chanel is requesting in the instant case.

---

<sup>5</sup> See Amazon's Buyer-Seller Messaging Service, available at [http://www.amazon.com/gp/help/customer/display.html/ref=hp\\_rel\\_topic?ie=UTF8&nodeId=200441890](http://www.amazon.com/gp/help/customer/display.html/ref=hp_rel_topic?ie=UTF8&nodeId=200441890) (last visited June 29, 2021).

7. Defendant Numbers 248-349 operate their respective e-commerce stores via the Internet marketplace website, DHgate.com. As such, DHgate.com's Messaging Service is an available means for contacting Defendant Numbers 248-349. DHgate.com's "Ask seller a question" function facilitates communications between customers and merchants in DHgate.com's marketplace.<sup>6</sup> I also know from multiple past actions that DHgate.com maintains additional contact e-mail addresses for sellers operating via DHgate.com, and based upon past actions, DHgate.com identifies these additional contact e-mail addresses for all Defendants at issue upon compliance with a temporary restraining order, such as the temporary restraining order Chanel is requesting in the instant case.

8. Furthermore, my firm obtained the publicly available domain name registration records for the Subject Domain Names identifying the contact information Defendant Numbers 26-49 provided their domain name registrars. Also, the available e-mail addresses identified in connection with these Defendants' respective Internet websites were obtained. The e-mail addresses and other means of electronic contact for all Defendants are provided on Schedule "A" to Chanel's Motion for Alternate Service of Process.

9. Defendants are also able to receive notice of this action by e-mail via the e-commerce marketplace platforms, social media websites, and image hosting websites that Defendants use to conduct their commercial transactions via the Seller IDs, including the private messaging applications and services such as WhatsApp, Wechat, and Instagram.com, and e-mail accounts Defendants use in tandem with their e-commerce stores and interactive photo albums, or via their designated domain name registrar's e-mail address or domain contact form for their Internet websites.

---

<sup>6</sup> See Contacting Your Seller, available at <https://www.dhgate.com/html/services/win-contact.html> (last visited June 29, 2021).

10. Chanel will also notify Defendants of this action via website posting. Chanel has created a serving notice website and will be posting copies of the Complaint, Amended Complaint, the Application for Temporary Restraining Order, and all other pleadings, documents, and orders on file in this action on its designated website located at <http://servingnotice.com/cp05e/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 onsite contact forms, and will be included as part of service of process in this matter.

11. Each Defendant will be provided with notice of this action electronically by providing the address to Plaintiff’s Website to their corresponding e-mail addresses, customer service e-mail addresses and/or onsite contact forms, or via their e-commerce marketplace platforms, social media websites or image hosting websites and corresponding private messaging applications and/or services, or via their designated domain name registrars that Defendants use to conduct their commercial transactions via the Seller IDs and Subject Domain Names. 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.

12. My firm has good cause to believe Defendants are residing in the People’s Republic of China (“China”), the Republic of the Philippines (“Philippines”), Spain, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland (“UK”), the Socialist Republic of Viet Nam (“Vietnam”), or other foreign jurisdictions, and/or redistribute products from

sources in those locations.<sup>7</sup> Chanel has investigated Defendants and determined their illegal operations are most likely based in and/or shipping from China, Philippines, Spain, United Arab Emirates, UK, Vietnam, or other foreign jurisdictions. Chanel's investigation looked at multiple connection data points, such as information contained on Defendants' actual e-commerce stores, photo albums, and websites operating under their respective Seller IDs and Subject Domain Names, payment and shipping information, and the investigative data provided thereunder. Thus, Chanel has good cause to believe Defendants are not residents of the United States.

13. I reviewed the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters ("Hague Convention"),<sup>8</sup> to which the United States, China, Philippines, Spain, UK, and Vietnam are signatories.<sup>9</sup> China, Philippines, UK, and Vietnam have declared that they oppose, either fully or partially, to the service of documents in their respective territories by the alternative means of service outlined in Article 10 of the Convention, including the service of process by postal channels.<sup>10</sup> However, the Hague Convention does not preclude service by e-mail or website posting, and the declarations to the Hague Convention filed by China, Philippines, UK, and Vietnam do not expressly prohibit e-mail service or website posting. A true and correct copy of the Hague Convention on the Service

---

<sup>7</sup> Upon information and belief, some Defendants ship their goods to fulfillment centers within the United States to redistribute their products from those locations, but likely reside and/or operate in foreign jurisdictions. (See Complaint ¶ 7, [ECF No. 1].)

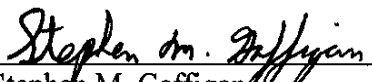
<sup>8</sup> See also Hague Service Convention, November 15, 1965, 20 U.S.T. 361, available at <https://www.hcch.net/en/instruments/conventions/full-text/?cid=17> (last visited June 29, 2021) (full text of the Hague Service Convention); <https://www.hcch.net/en/instruments/conventions/status-table/?cid=17> (last visited June 29, 2021) (status table listing the current contracting states).

<sup>9</sup> United Arab Emirates is not a signatory to the Hague Convention.

<sup>10</sup> Spain does not object to the alternate means of service, including postal channels, as outlined in Article 10 of the convention.

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.”<sup>11</sup> Additionally, I have not been able to identify any other treaty between the United States and the United Arab Emirates which governs service of process in a civil matter.<sup>12</sup> Thus, there are no international agreements prohibiting service by e-mail or website posting.

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 June, 2021, at Hollywood, Florida.

  
Stephen M. Gaffigan

---

<sup>11</sup> Composite Exhibit “1” also contains a true and correct printout of China’s, Philippines, Spain’s, UK’s, and Vietnam’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=1435&disp=resdn>, <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=421&disp=resdn>, <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=427&disp=resdn>, and <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=1337&disp=resdn>, (last visited June 29, 2021).

<sup>12</sup> See United States Department of State, Treaties in Force, available at <http://www.state.gov/s/l/treaty/tif/index.htm> (last visited June 29, 2021).