

**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.

**PLAINTIFF’S *EX PARTE* MOTION TO EXTEND
TEMPORARY RESTRAINING ORDER DATED JULY 2, 2021
AND TO CONTINUE HEARING SCHEDULED FOR JULY 13, 2021
IN CONNECTION WITH MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff, Chanel, Inc. (“Chanel” or “Plaintiff”), hereby moves this Honorable Court, on an *ex parte* basis,¹ for an Order extending the Sealed Order Granting *Ex Parte* Application for Entry of Temporary Restraining Order, dated July 2, 2021 (the “Sealed Temporary Restraining Order”), and continuing the hearing scheduled for July 13, 2021, in connection with Plaintiff’s Motion for Preliminary Injunction, pursuant to Fed. R. Civ. P. 65(b)(2). As grounds therefore, Plaintiff states as follows:

¹ Plaintiff has yet to provide Defendants with notice of this action, and as such, is submitting this Motion and supporting declaration *ex parte*. Specifically, on July 2, 2021, the Court issued a Sealed Order Granting *Ex Parte* Application for Entry of Temporary Restraining Order (the “Sealed Temporary Restraining Order”); however, because the relief ordered therein has not been effectuated, Plaintiff has yet to provide Defendants with notice of this action. This Motion makes reference to Plaintiff’s *Ex Parte* Application and the Court’s Sealed Temporary Restraining Order, and as such, Plaintiff seeks to prevent premature disclosure of both the *Ex Parte* Application and the Order granting same. Therefore, upon providing Defendants with notice of the Sealed Temporary Restraining Order, Plaintiff will also provide Defendants with a copy of this Motion. (See Declaration of Stephen M. Gaffigan in Support of Plaintiff’s *Ex Parte* Motion to Extend Temporary Restraining Order and to Continue Hearing [“Gaffigan Decl.”] ¶ 1, n.1, filed herewith.)

1. On June 29, 2021, Plaintiff filed its *Ex Parte* Application for Entry of Temporary Restraining Order, Preliminary Injunction, and Order Restraining Transfer of Assets (“Plaintiff’s *Ex Parte* Application”) against Defendants, the Individuals, Business Entities, and Unincorporated Associations Identified on Schedule “A” thereto (“Defendants”) [ECF No. 6].

2. On July 2, 2021, the Court issued a Sealed Temporary Restraining Order, which granted Plaintiff’s *Ex Parte* Application and scheduled a telephonic hearing on Plaintiff’s Motion for Preliminary Injunction for July 13, 2021 at 9:30 a.m., to allow Defendants and/or any other affected persons to challenge the appropriateness of the Sealed Temporary Restraining Order and move to dissolve the same, and also to hear argument in connection with Plaintiff’s request for entry of a preliminary injunction.

3. The Sealed Temporary Restraining Order remains in effect until the date for the hearing on the Motion for Preliminary Injunction set forth in the Sealed Temporary Restraining Order, or until such further dates as set by the Court or stipulated to by the parties (Sealed Temporary Restraining Order at p. 15, Para. 14).

4. The Sealed Temporary Restraining Order requires Plaintiff to serve a copy of the Complaint, Plaintiff’s *Ex Parte* Application, and the Sealed Temporary Restraining Order on each Defendant via their corresponding e-mail address and/or online contact form, or other means of electronic contact provided on the Internet based e-commerce stores, photo albums, and websites operating under the respective Seller IDs and Subject Domain Names, or by providing a copy of the Sealed Temporary Restraining Order by e-mail to the marketplace platform, social media website, image hosting website, or the registrar of record for each of the Seller IDs and Subject Domain Names so that the marketplace platform, social media website, image hosting website, and registrar, in turn, notifies each of the Defendants of the Sealed

Temporary Restraining Order, or by other means reasonably calculated to give notice which is permitted by the Court (Sealed Temporary Restraining Order at p. 15-16, Para. 17). Additionally, the Sealed Temporary Restraining Order requires Plaintiff to post copies of the Complaint, Plaintiff's *Ex Parte* Application, the Sealed Temporary Restraining Order, and all other pleadings and documents filed in this action on the website located at <http://servingnotice.com/cp05e/index.html>, and provide the website address to Defendants via their e-mail/online contact form. (Id.) However, before Plaintiff can proceed with service of the Sealed Temporary Restraining Order on Defendants, Plaintiff must receive confirmation from the financial institutions that the financial accounts owned by Defendants have been restrained. (Id.)

5. Plaintiff's counsel received a copy of the Sealed Temporary Restraining Order on July 7, 2021, and pursuant to the terms of the Sealed Temporary Restraining Order, the financial institutions have five (5) business days from the date of being served with the Sealed Temporary Restraining Order within which to restrain the accounts at issue and provide Plaintiff with confirmation of said restraint. (See Gaffigan Decl. ¶ 6; see also Para. 9 of the Sealed Temporary Restraining Order.) As of the submission of this Motion, Plaintiff's counsel has not received confirmation from all of the financial institutions that the Sealed Temporary Restraining Order has been processed and the accounts at issue restrained. (See Gaffigan Decl. ¶ 7.) As such, Plaintiff has been unable to serve Defendants, and, therefore, has been unable to provide Defendants with notice of the Sealed Temporary Restraining Order, associated response deadlines, and the July 13, 2021 hearing. (See id.)

6. Pursuant to Federal Rule Civil Procedure 65(b)(2), a Court, for good cause shown, may extend a temporary restraining order for a "like period" of time.

7. Accordingly, for good cause shown, Plaintiff respectfully requests that the Sealed Temporary Restraining Order, dated July 2, 2021, and associated deadlines contained therein, be extended, and the telephonic hearing currently set for July 13, 2021 at 9:30 a.m., be continued in order to allow sufficient time for Plaintiff to serve Defendants and give them sufficient notice to appear and respond to Plaintiff's *Ex Parte* Application and the Sealed Temporary Restraining Order in order to avoid prejudicing these Defendants' right to appear and respond in a timely fashion.

8. This is the first request for an extension of the Sealed Temporary Restraining Order and the continuance of the hearing in this matter, and no party will be prejudiced by the granting of same. (See Gaffigan Decl. ¶ 8.)

WHEREFORE, Plaintiff, Chanel, Inc., respectfully requests the hearing currently scheduled for July 13, 2021 at 9:30 a.m. be continued and the Sealed Temporary Restraining Order, dated July 2, 2021, be extended to remain in effect until after the conclusion of the rescheduled Preliminary Injunction hearing.

DATED: July 9th, 2021.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: **Stephen M. Gaffigan**

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