

**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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**DECLARATION OF STEPHEN M. GAFFIGAN IN SUPPORT OF  
PLAINTIFF’S OPPOSITION TO DEFENDANTS’ RULE 60(B) MOTION TO  
SET ASIDE FINAL DEFAULT JUDGMENT**

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

1. I represent Plaintiff, Chanel, Inc. (“Chanel”), in the above captioned action. I submit this Declaration in support of Plaintiff’s Opposition to Defendants’ Rule 60(b) Motion to Set Aside Final Default Judgment and, if called upon to do so, I could and would competently testify to the following facts set forth below.

2. On August 4, 2021, just days after service on Defendants in the above captioned action [ECF No. 31, Proof of Service], my firm received an email communication from attorney Thomas Cai of the Getech Law Firm in Chicago, Illinois, indicating his firm’s representation of Defendant Foshan Jiyuanmei Electronic Commerce Co., Ltd. (Def. #42 and #48)<sup>1</sup> (“Foshan”) and inquiring about settlement as to that Defendant. My firm communicated back and forth with Attorney Cai regarding potential settlement terms, including various counteroffers from Defendants, but no settlement was reached at that time. A true and correct copy of the email thread with Attorney Cai related to Defendant Foshan is attached hereto as Exhibit “1.”

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<sup>1</sup> In my e-mail communications with Defendants’ counsels Attorney Ricco Washburn, Attorney Ni Xue, and Attorney Edward Chen, defense counsel has identified the Defendants as Foshan Jiyuanmei Electronic Commerce Co., Ltd. (Defendants #42 and #48). However, in Defendants’ Motion to Set Aside Final Default Judgment [DE 64], defense counsel identifies the Defendant as Foshan Jiyuanmei Electronic Commerce Co., Ltd. (Defendant #42). (*See* [DE 64] at page 1.)

3. Also on August 4, 2021, my firm received a separate communication from Attorney Cai indicating his firm's representation of Defendant Shenzhen Xinsu Network Technology Co., Ltd. (Def. #45)<sup>2</sup> ("Shenzhen") and inquiring about potential settlement with respect to that Defendant. My firm communicated back and forth with Attorney Cai regarding possible settlement with Defendant Shenzhen, including counteroffers from Defendant Shenzhen, but no settlement was reached. A true and correct copy of the email thread with Attorney Cai related to Defendant Shenzhen is attached hereto as Exhibit "2."

4. Based on multiple prior cases where Attorney Cai and his firm represented defendants in actions filed by my clients, I know Attorney Cai is an attorney licensed in The People's Republic of China, that he speaks English and Chinese languages, and that he works with the U.S.-based firm, Getech Law Firm, on intellectual property and e-commerce matters specifically including the exact type of claims asserted by Chanel in this action. That firm is headed by partner Linda Lei, who also has extensive experience litigating these types of cases on behalf of foreign defendants against many various plaintiffs including Chanel. Attorney Lei also speaks both languages. See <https://www.getechlaw.com> (last visited October 26, 2022).

5. Defendants' answers to Chanel's Amended Complaint were due on or before August 17 and 18, 2021, respectively. Defendants did not file any responsive pleadings to the Amended Complaint or otherwise request an enlargement of time to respond to the Amended Complaint, nor did they enter a formal appearance *pro se* or by counsel on their behalf.

6. Attorney Ricco Washburn entered an appearance for Defendants in this action on November 11, 2021 [ECF Nos. 40, 41, 42] and filed Notices of Appeal on behalf of Defendants [ECF No. 43, 44, 45] challenging this Court's grant of the Final Default Judgment. According to publicly available information from the Florida State Bar, Mr. Washburn is an attorney licensed to practice in Florida since 2017 and is a member of good standing of the Florida State Bar. Mr.

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<sup>2</sup> In my e-mail communications with Defendants' counsels Attorney Ricco Washburn, Attorney Ni Xue, and Attorney Edward Chen, defense counsel has identified the Defendant as Shenzhen Xinsu Network Technology Co., Ltd. (Defendant #45). However, in Defendants' Motion to Set Aside Final Default Judgment [DE 64], defense counsel identifies the Defendants as Shenzhen Xinsu Import and Export Co., Ltd. (Defendant #45 and #48). (See [DE 64] at page 1.)

Washburn's profile with the Florida State Bar demonstrates that he specializes in international business and trademark law and speaks six languages, including Chinese. A true and correct copy of Mr. Washburn's profile with the Florida State Bar is attached hereto as Exhibit "3." Previously, Attorney Washburn worked in Shenzhen, China for the Long'an Law Firm in its e-commerce litigation department. (*See* <https://www.riccowashburnesqpllc.com/people>) (last visited October 26, 2022), a true and correct copy of which is attached hereto as Exhibit "4."

7. Attorney Washburn represented Defendants in their appeal to the Eleventh Circuit and ultimately filed a brief on their behalf on March 31, 2022. [ECF 64-1 at p. 5]. During this same time, my firm also received communications from Attorneys Ni Xue and Valerie L. Raphael, each of whom represented they were of counsel to Attorney Washburn in representing Defendants. According to publicly available information from the Florida State Bar, Attorney Xue is licensed in both Florida and in China. She received legal training at the East China University of Political Science and Law as well as the University of Miami School of Law (for her J.D.) and Temple University (where she received an L.L.M.). A true and correct copy of Attorney Xue's profile with the Florida State Bar is attached as Exhibit "5." Attorney Xue's personal profile on LinkedIn on or about October 13, 2022 reflects she is located in Shanghai City, where she is an attorney with Landing Law Offices, a self-proclaimed "Chinese-led global law firm" with offices in both China and the United States. A true and correct print-out of Ms. Xue's LinkedIn page is attached as Exhibit "6."

8. I personally know through settlement negotiations and filed Notices of Appearances that as of the date of this filing, Defendants continue to be represented by Attorneys Washburn, Xue, and Raphael in separate litigations with Chanel and other plaintiffs, including 21-cv-61332-RAR, and 21-cv-62335-WPD pending in the Southern District of Florida.

9. Defendants' domain names and associated ecommerce websites at issue in this action have already been taken offline and removed from the World Wide Web pursuant to the terms of the Final Default Judgement. However, even before the domain transfers occurred in November 2021, the Defendants themselves had already deleted or redirected the domains during the pendency of the action. Moreover, at least one of the online stores, Spitfice.com (Def. #48),

was registered through the GoDaddy domain registrar. Pursuant to GoDaddy's document and information retention policy, any records associated with a domain are destroyed 30 days after that online store (domain) is closed. *See* <https://www.godaddy.com/legal/agreements/data-protection-security-standards> (last visited October 26, 2022). Chanel requested the transfer of spitfice.com to its control pursuant to the Judgement in this matter entered on October 13, 2021.

10. As reflected in the subject line of Attorney Cai's emails to Plaintiff's counsel which are attached hereto as Exhibits "1" and "2," all of Defendants' domain names at issue were built on and hosted the ecommerce platform Shopify. Shopify's document retention policy states, in pertinent part, as follows: "We generally keep a merchant's store data for the lifetime of a store, and do not require a preservation order to maintain this data while a store remains active. We purge personal information within 90 days of a store's deactivation, after which the identifiable information is no longer capable of being recovered. If you require specific information to be preserved, please send us a preservation order with a discrete list of data to preserve. We are not able to archive an entire store or recreate how that store appeared to visitors on a given date." *See* [https://cdn.shopify.com/static/regulatory/Whitepaper-for-Legal-Requests-for-Information\\_July-2022.pdf](https://cdn.shopify.com/static/regulatory/Whitepaper-for-Legal-Requests-for-Information_July-2022.pdf) (last visited October 26, 2022).

11. Prior to the removal of Defendants' websites by the Defendants, my firm recorded some screen shots of the websites, demonstrating Defendants' use of Chanel Marks on various types of counterfeit products, including hats and sunglasses. (*See* [DE 6-16] at pp. 349-350.) True and correct copies of these screenshots are collectively attached as Exhibit "7." Due to the removal of Defendants' individual websites, which was not requested by Chanel, Chanel is unable to fully quantify the various types and amounts of counterfeit products offered for sale and sold by Defendants. Although Defendants' current counsel claims Defendants only sold hats [DE 64 at p.5], Chanel has evidence demonstrating Defendants were not only further selling sunglasses, but also selling a variety of other types of products bearing counterfeits of, at least, one of the Chanel Marks, including but not limited to handbags, scarves, brooches, earrings, necklaces, bracelets, and covers for cell phones, as alleged in Case Numbers 21-cv-62335-WPD [*see* ECF Nos. 6-5 at pp. 735-747, 6-6 at pp. 140-159, 6-14 at pp. 300-317 and 582-596], 22-cv-61082-AHS [*see* ECF

Nos. 8-10 at pp. 190-213 and 347-383, 8-11 at pp. 157-177], and 22-cv-61541-WPD [*see* ECF No. 6-4 at pp. 142-161].

12. As of the date of this filing, I am personally aware of Defendants' having been named using domain names under their control in the following lawsuits currently pending in the Southern District of Florida:

**For Defendant Shenzhen:**

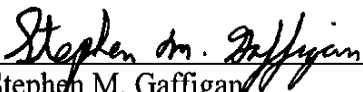
- *Chanel, Inc. v. The Individuals, et al.*, Cause No. 21-cv-61332-RAR;
- *Luxottica Group, S.p.A. v. The Individuals, et al.*, Cause No. 21-cv-62127-DPG;
- *Chanel, Inc. v. The Individuals, et al.*, Cause No. 21-cv-62335-WPD;
- *Fendi, S.r.l. v. The Individuals, et al.*, Cause No. 22-cv-60392-KMM.

**For Defendant Foshan:**

- *Chanel, Inc. v. The Individuals, et al.*, Cause No. 21-cv-61332-RAR;
- *Luxottica Group, S.p.A. v. The Individuals, et al.*, Cause No. 22-cv-60121-KMM;
- *Chanel, Inc. v. The Individuals, et al.*, Cause No. 22-cv-61082-AHS;
- *Tiffany (NJ) LLC v. The Individuals, et al.*, Cause No. 22-cv-61297-WPD; and
- *Chanel, Inc. v. The Individuals, et al.*, Cause No. 22-cv-61541-WPD.

13. As counsel for Chanel in this action, I have discovered that while Defendants are in China and may ship products from China, Defendants conduct business primarily overseas from China, including in the United States, through English-language websites including those at issue in this action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 27th day of October, 2022, at Hollywood, Florida.

  
Stephen M. Gaffigan