

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

CHANEL, INC.,

Plaintiff,

vs.

ANALUXURYFASHION, *et al.*,

Defendants.

**JUDGMENT CREDITOR'S NOTICE OF INTENT TO SERVE SUBPOENA TO
PRODUCE DOCUMENTS IN AID OF EXECUTION OF JUDGMENT
(Subpoena to PayPal, Inc.)**

In accordance with Federal Rule of Civil Procedure 69(b) and pursuant to the Court's Order dated December 21, 2023 [ECF No. 75], Judgment Creditor, Chanel, Inc. ("Chanel" or "Judgment Creditor"), hereby gives notice of its intent to issue and serve the attached Subpoena, together with the attached Schuele "A" describing the documents requested and "Schedule B" for instructions regarding production in aid of execution to PayPal, Inc. and its affiliates ("PayPal") attached hereto as Exhibit "1," on or after January 23, 2024.

DATED: January 22, 2024.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: **Stephen M. Gaffigan**

Stephen M. Gaffigan (Fla. Bar No. 025844)

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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 22nd day of January, 2024, upon Defendants via e-mail to the e-mail addresses at which Defendants were served or via Plaintiff'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

Stephen M. Gaffigan

UNITED STATES DISTRICT COURT
for the

Southern District of Florida

CHANEL, INC.,

Plaintiff

vs.

ANALUXURYFASHION, *et al.*,

Defendants

Civil Action No. 21-61332-CIV-RUIZ

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: PayPal, Inc
Registered Agent: 1505 Corporation 112
CT Corporation System
330 N Brand Blvd, Suite 700
Glendale, CA 91203

X Production: **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: **See attached Schedule "A."** Please also see attached Schedule "B" regarding production on **February 5, 2024 in lieu of appearing in person on February 12, 2024.**

Place: Esquire Deposition Solutions
44 Montgomery Street, #1100
San Francisco, CA

Date and Time: February 12, 2024 at 11:00 a.m. * **In lieu of appearing on 2/12/24, please see instructions for production outlined on the attached "Schedule B" below.**

^ Inspection of Premises: **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: Date and Time:

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The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: **January 22, 2024**

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing Plaintiff, who issues or requests this subpoena, are: Stephen M. Gaffigan, Stephen M. Gaffigan, P.A., 401 East Las Olas Blvd., #130-453, Ft. Lauderdale, Florida 33301 / Telephone: 954-767-4819, e-mail: stephen@smgpa.cloud.

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 21-61332-CIV-RUIZ

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

SCHEDULE A

1. Produce all documents in the possession, custody and/or control of PayPal, Inc., (“PayPal”) that:
- a. In any manner identify, categorize, classify, describe, or provide any identifying information relating to the PayPal Accounts and E-commerce Store Names identified below:
 - b. Reflect or identify the name(s), physical address(es), telephone number(s), and the account transactions for all funds transmitted into the financial account(s) related to the below identified PayPal Accounts and E-commerce Store Names, as well as (i) any other account(s) of the same customer(s); (ii) any other account(s) which transfer funds into the same financial institution account(s), and (iii) any other PayPal account(s) tied to, related to, or used by the below identified PayPal Accounts:

Def. No.	E-commerce Store Name	PayPal Account
27	areaglam.com	falcosstore10@gmail.com
29	bolsoslvchanel.com	jhostyndiaz25@gmail.com
33	lemaisonparis.com	jabouzasrendal@icloud.com
36	offstreetunit.com	info@offstreetunit.com
37	todadivaofficial.com	sales@todadivaofficial.com
49	thebrandroom.shop	info@outletbrandy.com

2. Records reflecting unredacted versions of the payment account number and/or information, including but not limited to, bank statements, canceled checks, wire transfer data, wire transfer instruction, signature cards, applications, payment, billing records and related documents in PayPal’s possession, custody and/or control of that would identify the ultimate recipient of the funds generated by the individual(s) and/or entity(ies) corresponding to the PayPal Accounts identified in Request #1.

SCHEDULE B

In lieu of appearing on February 12, 2024 the documents may be produced by mail to Diana Cecil Payne, Stephen M. Gaffigan, P.A. 401 East Las Olas Blvd., #130-453, Ft. Lauderdale, Florida 33301 on or before **February 5, 2024** together with an **original Certificate of Authentication**. Please contact Stephen M. Gaffigan (Stephen@smgpa.cloud) or Sarah Wertheimer (sarah@smgpa.cloud or (954) 767-4819)) upon receipt of this Subpoena to confirm whether you will be appearing or producing documents in lieu of appearing.