

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HONG KONG LEYUZHEN TECHNOLOGY
CO. LIMITED,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED IN
SCHEDULE “A” HERETO,

Defendants.

Case No.: 1:24-cv-07262-JIC-JC

**Honorable Jeffrey I. Cummings
Magistrate Jeffrey Cole**

**PLAINTIFF’S MOTION FOR ENTRY OF CLERK’S DEFAULT AGAINST THE NON-
APPEARING DEFENDANTS IDENTIFIED IN SCHEDULE “A”**

Plaintiff Hong Kong Leyuzhen Technology Co. Limited (“Plaintiff”) hereby moves for entry of default pursuant to Federal Rule of Civil Procedure 55(a) (the “Motion”) against certain non-appearing, through the filing of an answer or otherwise responsive pleading, (the “Defaulting Defendants”) identified in Schedule “A”. Plaintiff has specifically excluded from its request for entry of default those Defendants that have settled the claims asserted against them and those Defendants that have formally appeared through counsel of record in this action. A list of non-appearing Schedule “A” Defendants subject to Plaintiff’s request for entry of default, together with those Schedule “A” Defendants that are excluded from this request, is attached as Exhibit “1” to the supporting Declaration of Shawn A. Mangano (the “Mangano Decl.”) submitted concurrently with this Motion.

DATED: January 17, 2025

Respectfully submitted,

By: /s/ Shawn A. Mangano

Shawn A. Mangano (IL Bar No. 6299408)

BAYRAMOGLU LAW OFFICES LLC

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of January 2025, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Illinois, Eastern Division, using the electronic case filing system. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means. Notice of this filing is provided to unrepresented parties for whom contact information has been provided via email and by posting the filing on a URL contained on our website <https://blointernetenforcement.com>.

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**Honorable Jeffrey I. Cummings
Magistrate Jeffrey Cole**

**PLAINTIFF’S MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR ENTRY OF DEFAULT AGAINST THE NON-APPEARING
DEFENDANTS IDENTIFIED IN SCHEDULE “A”**

Plaintiff Hong Kong Leyuzhen Technology Co. Ltd. (“Plaintiff”) submits the following memorandum in support of its request for entry of default (the “Motion”) pursuant to Federal Rule of Civil Procedure 55(a) (“Rule 55(a)”) against certain non-appearing, through the filing of an answer or otherwise responsive pleading, identified in Schedule “A”. Plaintiff has specifically excluded from its request for entry of default those Defendants that have settled the claims asserted against them and those Defendants that have formally appeared through counsel of record in this action (the “Defaulting Defendants”). A listing of non-appearing Schedule “A” Defaulting Defendants subject to Plaintiff’s request for entry of default, together with those Schedule “A” Defendants that are excluded from this request, is attached as Exhibit “1” to the supporting Declaration of Shawn A. Mangano (the “Mangano Decl.”).

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I. INTRODUCTION

Plaintiff's request for entry of default is straightforward, the Court authorized electronic service of process on the named Schedule "A" Defendants via email as part of issuing a Temporary Restraining Order (the "TRO") in this matter on October 17, 2024. [Dkt. No. 17.] Plaintiff promptly effectuated service on all named Schedule "A" Defendants on November 4, 2024. [Dkt. No. 24.]

Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A) ("Rule 12(a)(1)(A)"), the Defaulting Defendants had twenty-one (21) days to answer or otherwise respond to Plaintiff's First Amended Complaint in this action. As of the filing of this Motion, fifty-three (53) days have expired since electronic service was effectuated on the Schedule "A" Defendants, which includes the Defaulting Defendants that are the subject of Plaintiff's Motion. (Mangano Decl. ¶ 5.) To date, none of the Defaulting Defendants have answered or otherwise responded to Plaintiff's First Amended Complaint. (*Id.*) Accordingly, the Clerk of the Court is compelled to enter default pursuant to Rule 55(a) against the Defaulting Defendants.

II. ARGUMENT

A. JURISDICTION AND VENUE ARE PROPER IN THIS COURT

This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Federal Copyright Act, 17 U.S.C. § 101, et seq., 28 U.S.C. § 1338(a)–(b) and 28 U.S.C. § 1331. [Dkt. No. 11 at 2-3, 5 at 2-3.] Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants since each of the Defendants directly targets business activities toward consumers in Illinois and causes harm to Plaintiff's business within this judicial district. [Dkt. No. 11 at 2-3]; *see also uBID, Inc. v. GoDaddy Grp., Inc.*, 623 F.3d 421, 423-24 (7th Cir. 2010) (without benefit of an evidentiary hearing, plaintiff bears only the burden of making a prima facie case for personal jurisdiction; all

of plaintiff's asserted facts should be accepted as true and any factual determinations should be resolved in its favor).

In addition to the foregoing, the Court has determined that it can properly exercise specific personal jurisdiction over the Schedule "A" Defendants, which includes the Defaulting Defendants, in issuing the TRO on October 17, 2024. [Dkt. No. 17.] This determination was confirmed through the Court's issuance of a preliminary injunction on November 26, 2024. [Dkt. No. 29.] Accordingly, it is unquestionable that the Defaulting Defendants are subject to personal jurisdiction in this action.

B. PLAINTIFF HAS MET THE REQUIREMENTS FOR ENTRY OF DEFAULT UNDER RULE 55(a)

Pursuant to Rule 55(a), "when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a). Plaintiff clearly meets these requirements.

On September 20, 2024, Plaintiff filed its operative Complaint in this action. [Dkt. No. 11.] The Defendants were properly served with the Complaint, TRO, all supporting documents via electronic service on November 4, 2024. [Dkt. No. 24.] As such, the Defaulting Defendants had twenty-one (21) days to answer or otherwise respond to Plaintiff's complaint pursuant to Rule 12(a)(1)(A). As of the filing of this Motion, fifty-three (53) days have expired since electronic service was effectuated on the Schedule "A" Defendants, which includes the Defaulting Defendants that are the subject of Plaintiff's Motion. (Mangano Decl. ¶ 5.) To date, none of the Defaulting Defendants have answered or otherwise responded to Plaintiff's First Amended Complaint. (*Id.*) Accordingly, the Clerk of the Court is compelled to enter default pursuant to Rule 55(a) against the Defaulting Defendants.

III. CONCLUSION

Based on the foregoing, Plaintiff respectfully requests that the Clerk of the Court enter default against each of the Defaulting Defendants pursuant to Rule 55(a).

DATED: January 17, 2025

Respectfully submitted,

By: /s/ Shawn A. Mangano

Shawn A. Mangano (IL Bar No. 6299408)

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Henderson, NV 89014

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Attorneys for Plaintiff

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By: /s/ Shawn A. Mangano

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**Honorable Jeffrey I. Cummings
Magistrate Jeffrey Cole**

**DECLARATION OF SHAWN A. MANGANO IN SUPPORT OF
PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT AGAINST NON-APPEARING
DEFENDANTS IDENTIFIED IN SCHEDULE "A"**

I, Shawn A. Mangano, of the City of Las Vegas, in the State of Nevada, declare as follows:

1. Except as otherwise expressly stated to the contrary, this declaration is based upon my personal knowledge of the following facts and, if called as a witness, I could and would competently testify to the statements made herein.

2. I make this declaration in support of Plaintiff's Motion for Entry of Clerk's Default against the Defendants Identified in Schedule "A" (the "Motion"). The Motion seeks entry of default against those named Defendants that have neither appeared in this action nor reached a settlement with Plaintiff over the company's asserted claims for relief (the "Defaulting Defendants"). According, the Defaulting Defendants do not include named Schedule "A" Defendants that have settled with Plaintiff or Defendants that have entered formal appearances through counsel in this case. Attached hereto as Exhibit "1" is a true and correct copy of a list of the Defaulting Defendants and the excluded other Defendants not subject to Plaintiff's request for entry of default.

3. I am an attorney at law, duly admitted to practice before the Courts of the State of Illinois and the United States District Court for the Northern District of Illinois. I am one of the attorneys for Plaintiff Hong Kong Leyuzhen Technology Co. Ltd. (“Plaintiff”). I make this declaration from my matters within my own knowledge unless stated otherwise.

4. I hereby certify that the Defaulting Defendants have failed to file an answer or other responsive pleading within twenty-one (21) days after being served with the Summons and Complaint in this action as required by Federal Rule of Civil Procedure 12(a)(1)(A).

5. Specifically, all Schedule “A” Defendants were served with copies of the Summons and Complaint via electronic service authorized by the Court on November 4, 2024, which is reflected in the Return of Summons filed in this case. [Dkt. No. 24.] As of the filing of this Motion, fifty-three (53) days have expired since electronic service was effectuated on the Schedule “A” Defendants, which includes the Defaulting Defendants that are the subject of Plaintiff’s Motion. None of the identified Defaulting Defendants have answered or otherwise responded to Plaintiff’s First Amended Complaint in this action.

6. My office investigated the infringing activities of the Defaulting Defendants, including attempting to identify their contact information. Our investigation confirmed that the Defaulting Defendants are primarily domiciled in Asia and, more particularly, in either the People’s Republic of China or territory under that government’s control. As such, I am informed and believe that none of the Defaulting Defendants are active-duty members of any branch of the United States armed services.

I declare under penalty of perjury under the laws of the United States of America the foregoing is true and correct.

Executed on January 17, 2025, in Las Vegas, Nevada.

By: /s/ Shawn A. Mangano
SHAWN A. MANGANO, ESQ.

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of January, 2025, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Illinois, Eastern Division, using the electronic case filing system. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means. Notice of this filing is provided to unrepresented parties for whom contact information has been provided via email and by posting the filing on a URL contained on our website <https://blointernetenforcement.com>.

By: /s/ Shawn A. Mangano
Shawn A. Mangano (ARDC No. 6299408)
BAYRAMOGLU LAW OFFICES LLC

Exhibit 1

Hong Kong Leyuzhen Technology Co. Limited v. The Individuals, Corporations, Limited
Liability Companies, Partnerships and Unincorporated Associations Identified in Schedule A
1:24-cv-07262

Plaintiff Requests Clerk's Default Against the Following 36 Non-appearing Defendants	
Defendant No.	Seller's Name
3	PickPink Swimwear
4	Plus Plus
7	An inch of light
8	Anneyep
9	ASJPStyle
10	Bellycurve
11	BFER
12	by one
14	CCFF
15	curvy
16	DANGIEN
18	DNEATER SWIMSUIT
19	DTA
20	FOX CLAW PLUS
23	heavensent
25	Hui shangying clothing
26	Huludao Sai Rui Er Garment Tra
28	LINGDALIN
30	LUO YU JING
31	Maya fashion
33	MGclothing
34	Mini fox ladies
35	Monique Clothing
36	Mymermaid
38	PLUSWIM
39	Qixi boutique clothing
40	qlqlql
41	QMswimwear
43	SYswimsuit
44	Tigers
46	VIVI Fashion Style
47	weinimeigongsi
48	WZQBBC
49	XWD girl new
50	Yashengyi
51	YHdress