

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 1:25-cv-22864-ALTMAN

TOHO CO., LTD.,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED IN
SCHEDULE "A,"

Defendants.

**PLAINTIFF'S MOTION FOR ENTRY OF CLERK'S DEFAULT
AGAINST CERTAIN DEFENDANTS**

Plaintiff Toho Co., Ltd., ("Plaintiff"), hereby moves for Entry of Clerk's Default against certain Defendants identified in Schedule "A" to the complaint (collectively, the "Defaulting Defendants") [Dkt 29-3]. The Defaulting Defendants¹ are as follows:

DEFENDANT NO.	LINK TO SELLER'S WEBSITE
8	https://cutswear.com/
10	https://www.clothingday.com/

Plaintiff makes this motion on the ground that the Defaulting Defendants have failed to appear or otherwise respond to the Complaint within the time prescribed by Federal Rules of Civil Procedure.

¹ Plaintiff does not seek entry of Default against Defendant No. 1 <https://www.wearshes.com/>; No. 2 <https://www.funbibi.com/>; No. 3 <https://www.calavass.com/>; No. 4 <https://www.rococity.com/>; No. 5 <https://www.uflashion.com/>; No. 6 <https://www.comstylish.com/>; No. 7 <https://www.novaney.com/>; No. 9 <https://www.dolphin.com/>.

On July 18, 2025, the Court authorized electronic service via email on Defendants listed in Schedule "A" in connection with the Temporary Restraining Order ("TRO") [Dkt. No. 14]. On July 29, 2025, Defendants were served with their respective Summons and copies of the Complaint and Temporary Restraining Order via electronic mail ("e-mail") to the email addresses provided by the PayPal in response to the request for expedited discovery as permitted by the TRO and via website posting pursuant to the Court's Order authorizing alternate service of process. (Declaration of Willam Brees attached hereto (the "Brees Decl.") ¶ 3; see Dkt. No. 19 Return of Service on file with the Court.) The deadline to respond to the Complaint and Jury Demand (the "Complaint") [Dkt. No.1] was August 19, 2025. *Id.* at ¶ 4.

Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A), the Defaulting Defendants had twenty-one (21) days to answer or otherwise respond to Plaintiff's Complaint in this action. As of the filing of this Motion, twenty-two (22) 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. *Id.* at ¶ 6. To date, neither of the Defaulting Defendants have answered or otherwise responded to Plaintiff's Complaint. *Id.* at ¶ 9.

WHEREFORE, Plaintiff request that default be entered against the Defaulting Defendants, Schedule "A" Nos. 8 and 10.

DATED: August 20, 2025

Respectfully submitted,

/s/ William R. Brees

William R. Brees (FL Bar No. 98886)

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BAYRAMOGLU LAW OFFICES LLC

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Tel: (702) 462 – 5973

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of August 2025, I electronically filed the foregoing using the electronic case filing system. Notice of this filing is provided to unrepresented parties for whom contact information is listed below and provided via email and by posting the filing on a URL contained on our website <http://blointernetenforcement.com>, and a link to said website in the email provided by third-party, PayPal.

/s/ William R. Brees
William R. Brees (FL Bar No. 98886)
BAYRAMOGLU LAW OFFICES LLC

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ASSOCIATIONS IDENTIFIED IN
SCHEDULE "A,"

Defendants.

**DECLARATION OF WILLIAM R. BREES ESQ. IN SUPPORT OF PLAINTIFF'S MOTION
FOR ENTRY OF CLERK'S DEFAULT AGAINST CERTAIN DEFENDANTS**

I, William R. Brees, Esq., of St. Petersburg, Florida, declare as follows:

1. I am an attorney duly licensed to practice before this Court, and I am counsel for Plaintiff, Toho Co., Ltd. ("Plaintiff") in the above-captioned matter. I make this Declaration, which is filed in support of Plaintiff's Motion for Entry of Clerk's Default Against Certain Defendants, and I could and would testify competently to the matters set forth herein.

2. On June 25, 2025, Plaintiff filed its Complaint and Jury Demand [Dkt. No. 1] against Defendants, the Individuals, Corporations, Limited Liability Companies, Partnerships and Unincorporated Associations identified on Schedule "A" [Dkt. No. 1-1; 15-1] (collectively, "Defendants").

3. On July 29, 2025, Defendants were served with their respective Summons and copies of the Complaint and Temporary Restraining Order via electronic mail ("e-mail") and via

website posting pursuant to the Court’s Order authorizing alternate service of process. (See Dkt. No. 19 Return of Service on file with the Court.)

4. The deadline to respond to the Complaint and Jury Demand (the “Complaint”) [Dkt. No.1] was August 19, 2025.

5. The Defendnats identified in the chart below (the “Defaulting Defendants”) have not been granted an extension of time to respond to the Complaint:

DEFENDANT NO.	LINK TO SELLER’S WEBSITE
8	https://cutswear.com/
10	https://www.clothingday.com/

6. As of the filing of this Motion, twenty-three days (22) have expired since electronic service was effectuated on the Defaulting Defendants.

7. On August 20, 2025, counsel for Defendant Nos. 1-7 and 9 requested a thirty (30) day extension to Answer the complaint [Dkt. No. 27] which was granted by the Court. [Dkt. No. 28].

8. As such, this subset of eight (8) Defendants are not included in the list of Defaulting Defendants.

9. The Defaulting Defendants have failed to answer or otherwise respond to the Complaint, or serve a copy of the Answer or other response upon Plaintiff’s attorneys of record.

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

Executed on August 20, 2025, in St. Petersburg, Florida.

By: /s/ William R. Brees
WILLIAM R. BRES (FL BAR NO. 98886)

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of August, 2025, I electronically filed the foregoing using the electronic case filing system. Notice of this filing is provided to unrepresented parties for whom contact information is listed below and provided via email and by posting the filing on a URL contained on our website <http://blointernetenforcement.com>, and a link to said website in the email provided by third-party, PayPal.

/s/ William R. Brees
William R. Brees (FL Bar No. 98886)
BAYRAMOGLU LAW OFFICES LLC

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IDENTIFIED IN SCHEDULE "A,"

Defendants.

**[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR ENTRY
OF CLERK'S DEFAULT AGAINST CERTAIN DEFENDANTS**

Before the Court is Plaintiff Toho Co., Ltd.'s motion for entry of clerk's default against certain defendants 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, Schedule "A" Defendants (the "Defaulting Defendants"). A true and correct listing of the Defaulting Defendants is included in this Order.

Finding good cause, the Court hereby **GRANTS** Plaintiff's Motion and directs the Clerk to enter default against the Defaulting Defendants.

IT IS SO ORDERED.

DATED: _____, 2025

HONORABLE ROY K. ALTMAN
UNITED STATES DISTRICT COURT JUDGE

DEFAULTING DEFENDANTS

DEFENDANT NO.	LINK TO SELLER'S WEBSITE
8	https://cutswear.com/
10	https://www.clothingday.com/