

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

**CASE NO.: 1:25-cv-23049-BLOOM/Elfenbein**

TOHO CO., LTD.,

Plaintiff,

v.

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

Defendants.

**PLAINTIFF'S MOTION FOR ENTRY OF CLERK'S DEFAULT**

Plaintiff Toho Co., Ltd. ("Plaintiff"), hereby moves for Entry of Clerk's Default against the Defendants identified in Schedule "A" to the complaint (collectively, the "Defaulting Defendants"). The Defaulting Defendants have been identified in detail in the accompanying Declaration of William Brees (the "Brees Decl."). See Brees Decl. ¶ 7. 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.

On July 30, 2025, the Court authorized electronic service via email on Defendants listed in Schedule "A" in connection with the Temporary Restraining Order ("TRO") [Dkt. No. 13].

On August 21, 2025, Defendants were served with the Summons and copies of the Complaint and Temporary Restraining Order via electronic mail ("e-mail") to the email addresses provided by the online marketplace Walmart in response to the request for expedited discovery as permitted by the TRO and via website publishing pursuant to the Court's Order authorizing alternate service of process. (Brees Decl. ¶ 4; see Dkt. No. 24 Return of Service on file with the

Court.) The deadline to respond to the Complaint and Jury Demand (the “Complaint”) [Dkt. No.1] was September 11, 2025. Brees Decl. at ¶ 5.

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, approximately twenty-six (26) days have expired since electronic service was effectuated on the Defaulting Defendants. *Id.* at ¶ 6. To date, none of the Defaulting Defendants have answered or otherwise responded to Plaintiff’s Complaint. *Id.* at ¶ 7.

WHEREFORE, Plaintiff request that default be entered against the Defaulting Defendants, Schedule “A”.

Dated: September 16, 2025

Respectfully Submitted,

By: /s/ William R. Brees  
William R. Brees (Bar No. 98886)  
william@bayramoglu-legal.com  
Emily M. Heim (Bar. No. 1015867)  
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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I, hereby certify that on the 16th day of September, 2025, I electronically filed the foregoing document with the clerk of the court using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented 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 is listed below and has been 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.

/s/ William R. Brees  
WILLIAM R. BREES (FL BAR NO. 98886)  
**BAYRAMOGLU LAW OFFICES LLC**

**IN THE UNITED STATES DISTRICT COURT  
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THE INDIVIDUALS, CORPORATIONS,  
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ASSOCIATIONS IDENTIFIED IN  
SCHEDULE "A" HERETO,

Defendants.

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

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 Defendants, and I could and would testify competently to the matters set forth herein.

2. On July 8, 2025, Plaintiff filed its Complaint and Jury Demand ("Complaint") [Dkt. No. 1] against Defendants, the Individuals, Corporations, Limited Liability Companies, Partnerships and Unincorporated Associations identified on Schedule "A" [Dkt. No. 1-1] (collectively, "Defendants").

3. On August 19, 2025, Plaintiff received from Walmart.com the contact email addresses on file with Walmart.com for each of the Defendants.

4. On August 21, 2025, Defendants were served with the 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. 24 Return of Service on file with the Court].

5. The deadline to respond to the Complaint was September 11, 2025.

6. As of the filing of this Motion, approximately twenty-six days (26) have expired since electronic service was effectuated on the Schedule "A" Defendants.

7. Defendants have failed to answer or otherwise respond to the Complaint or serve a copy of an Answer or other response upon Plaintiff’s attorneys of record. Identification of the Defaulting Defendants is shown in the chart below:

DEFAULTING DEFENDANTS		
NO.	SELLER’S NAME	LINK TO SELLER’S WEBSITE
1.	Fsafasfvafv	<a href="https://www.walmart.com/seller/102495060">https://www.walmart.com/seller/102495060</a>
2.	ADASJDFVDS	<a href="https://www.walmart.com/seller/102495318">https://www.walmart.com/seller/102495318</a>

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

Executed on September 16, 2025, in St. Petersburg, Florida.

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

**CERTIFICATE OF SERVICE**

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/s/ William R. Brees  
WILLIAM R. BREES (FL BAR NO. 98886)  
**BAYRAMOGLU LAW OFFICES LLC**

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Defendants.

**PROPOSED ORDER GRANTING PLAINTIFF'S MOTION FOR  
ENTRY OF CLERK'S DEFAULT**

Before the Court is Plaintiff Toho Co., Ltd.'s ("Plaintiff") Motion for Entry of Clerk's Default Against 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: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE BETH BLOOM  
UNITED STATES DISTRICT COURT JUDGE

<b>DEFAULTING DEFENDANTS</b>		
<b>NO.</b>	<b>SELLER'S NAME</b>	<b>LINK TO SELLER'S WEBSITE</b>
1.	Fsafasfvafv	<a href="https://www.walmart.com/seller/102495060">https://www.walmart.com/seller/102495060</a>
2.	ADASJDFVDS	<a href="https://www.walmart.com/seller/102495318">https://www.walmart.com/seller/102495318</a>