

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.: 1:25-cv-23009-GAYLES

TOHO CO., LTD.,

Plaintiff,

v.

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

Defendants.

ORDER

THIS CAUSE comes before the Court on Plaintiff’s Motion for Entry of Final Default Judgment (the “Default Judgment Motion”) [ECF No. 36]. On December 11, 2025, the Clerk entered default against Defendant Nos. 4-6, 17-18, 26-27, and 29 (collectively referred to as the “Defaulted Defendants”) [ECF No. 31] for failure to respond to the Complaint or otherwise appear in this action. For the reasons discussed below, the Court grants Plaintiff’s Default Judgment Motion.

“Rule 55 of the Federal Rules of Civil Procedure establishes a two-step process for obtaining a default judgment. First, when a defendant fails to plead or otherwise defend the lawsuit, the Clerk of Court must enter a clerk’s default against the defendant. Second, when the requirements for a clerk-entered default judgment cannot be met under Rule 55(b)(1), the plaintiff must apply to the court for a default judgment under Rule 55(b)(2).” *Cleveland v. JH Portfolio Debt Equities, LLC*, No. 19-00286-B, 2020 WL 8167356, at *2 (S.D. Ala. Nov. 23, 2020) (internal

citations omitted), report and recommendation adopted, 2021 WL 136287 (S.D. Ala. Jan. 13, 2021).

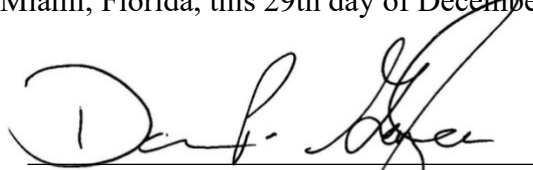
A “defendant's default alone does not warrant the entry of a default judgment.” *Id.* (citing *Nishimatsu Constr. Co. v. Houston Nat'l Bank*, 515 F.2d 1200, 1206 (5th Cir. 1975) (“[A] default is not treated as an absolute confession by the defendant of his liability and of the plaintiff's right to recover.”)). “Rather, a court must ensure there is a sufficient basis in the pleadings for the judgment to be entered.” *Id.* “Entry of default judgment is only warranted when there is a sufficient basis in the pleadings for the judgment entered.” *Surtain v. Hamlin Terrace Foundation*, 789 F.3d 1239, 1245 (11th Cir. 2015) (internal quotation omitted). The Eleventh Circuit has stated that a default judgment may only be entered where the Complaint is sufficient to withstand a motion to dismiss. *Id.* (“Conceptually, then, a motion for default judgment is like a reverse motion to dismiss for failure to state a claim.”).

The Defaulted Defendants failed to move to set aside the Clerk's Entry of Defaults or otherwise respond to the Default Judgment Motion. The well-pled allegations of the Complaint are admitted by virtue of the Defaulted Defendants default. The Court finds that Plaintiff's Complaint [ECF No. 1] adequately states a claim for federal copyright infringement and federal trademark infringement, pursuant to 15 U.S.C. §§ 1114, 1125(a); 17 U.S.C. §§ 501, 502, and 504(c); and The All Writs Act, 28 U.S.C. § 1651(a). Default judgment against the Defaulted Defendants is, therefore, appropriate.

Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows:

1. Plaintiff's Default Judgment Motion [ECF No. 36] is **GRANTED**. In accordance with Federal Rule of Civil Procedure 58, judgment for Plaintiff will be entered separately.
2. This case is **CLOSED** for administrative purposes.

DONE AND ORDERED in Chambers at Miami, Florida, this 29th day of December, 2025.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE

Def. No.	Seller's Name	Link to Seller's Website
4	resinhanmademc	http://resinhanmademc.com
5	danoto	https://danoto.co
6	doyoursnow	https://www.doyoursnow.com
17	IndochinaHandmadeL amp	https://www.amazon.com/gp/help/seller/at-a-glance.html/ref=dp_merchant_link?ie=UTF8&seller=A10XPVJ6X4YPVO&asin=B0DD31T6PV&amp;ref_=dp_merchant_link
18	DANOTOCO	https://www.amazon.com/gp/help/seller/at-a-glance.html/ref=dp_merchant_link?ie=UTF8&seller=A2TPTP2OQ46SA5&asin=B0DKC8687S&amp;ref_=dp_merchant_link
26	VH Handmade	https://www.amazon.com/gp/help/seller/at-a-glance.html/ref=dp_merchant_link?ie=UTF8&seller=A8GTEBEOH12Q3&asin=B0DNB5XXLS&amp;ref_=dp_merchant_link
27	WE WILL BE ABLE TO LET YOU KNOW	https://www.amazon.com/gp/help/seller/at-a-glance.html/ref=dp_merchant_link?ie=UTF8&seller=A2A4Y7GDKPQWE3&asin=B0DRF8MMQR&amp;ref_=dp_merchant_link
29	Susoc	https://www.amazon.com/gp/help/seller/at-a-glance.html/ref=dp_merchant_link?ie=UTF8&seller=AQLPS7ZVBO1V5&asin=B0DNR2CVRY&amp;ref_=dp_merchant_link