# THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:12-cv-20390-CIV-WILLIAMS

ABERCROMBIE	&	<b>FITCH</b>	TRADING
CO.,			

Plaintiff,
vs.
21CNFASHION.COM, et al.,
Defendants.

## DECLARATION OF MALERIE MAGGIO IN SUPPORT OF PLAINTIFF'S THIRD EX PARTE APPLICATION FOR ENTRY OF TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

- I, Malerie Maggio, declare as follows:
- 1. I am over 18 years of age and have personal knowledge of the facts set forth herein. I make this declaration in support of Plaintiff's Third *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction (the "Application for TRO").
- 2. I am an employee of Investigative Consultants, a licensed private investigative firm.
- 3. Counsel for Plaintiff, Abercrombie & Fitch Trading Co. ("Abercrombie") retained my firm to investigate the suspected sale of counterfeit Abercrombie products by Defendants, the Partnerships and Unincorporated Associations Identified on Schedule "A" attached to Abercrombie's Application for TRO (the "Defendants").
- 4. I accessed the Internet websites operating under the Defendants' domain names identified in the table below. Upon accessing each website, I was able to browse each online store for products bearing Abercrombie trademarks, add products to the online shopping carts,

proceed to a point of checkout on each website, and otherwise actively exchange data with each website. I then placed an order via each website for the purchase of an Abercrombie branded product as detailed in the below chart, each to be shipped to my address in Miami, Florida. Each of my purchases was processed entirely online, which included providing shipping and billing information, payment, and confirmation of each order:

Website	Abercrombie Branded Product Purchased	Date of Purchase	Total Purchase Price
abercrombiefitchoutletusa.com	Polo Shirt	4/5/12	\$72.99
abercrombie-stores.us	Polo Shirt	4/3/12	\$58.00

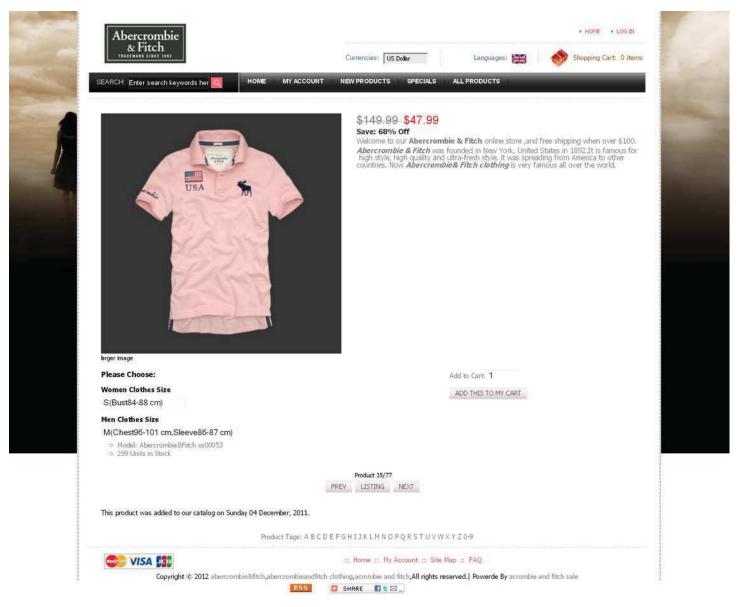
True and correct copies of redacted excerpts of each of the foregoing websites reflecting each Abercrombie branded items I purchased as detailed in the foregoing chart, together with the order confirmation and payment processing/confirmation pages, as well as email messages I received from the sellers, are attached hereto as Composite Exhibit A. Thereafter, true and correct copies of redacted excerpts of the websites listed above, reflecting the items I purchased, including images, were provided to Brandon Scott at Abercrombie for his review and analysis.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed the 20th day of April, 2012, at Torrance, CA.

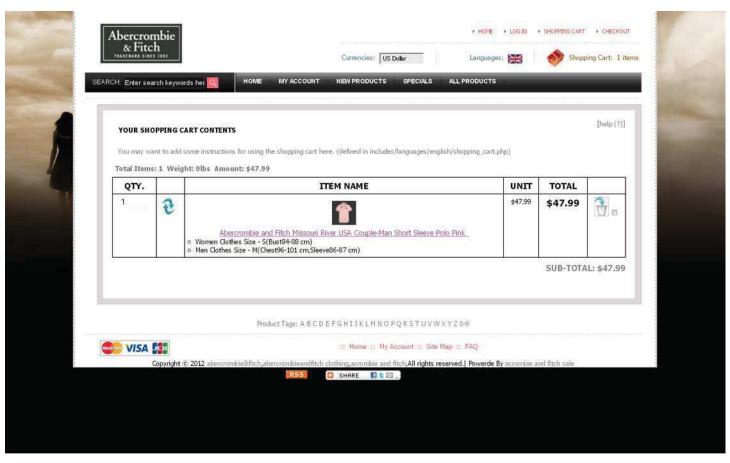
Malerie Magg

abercrombiefitchoutletusa.com

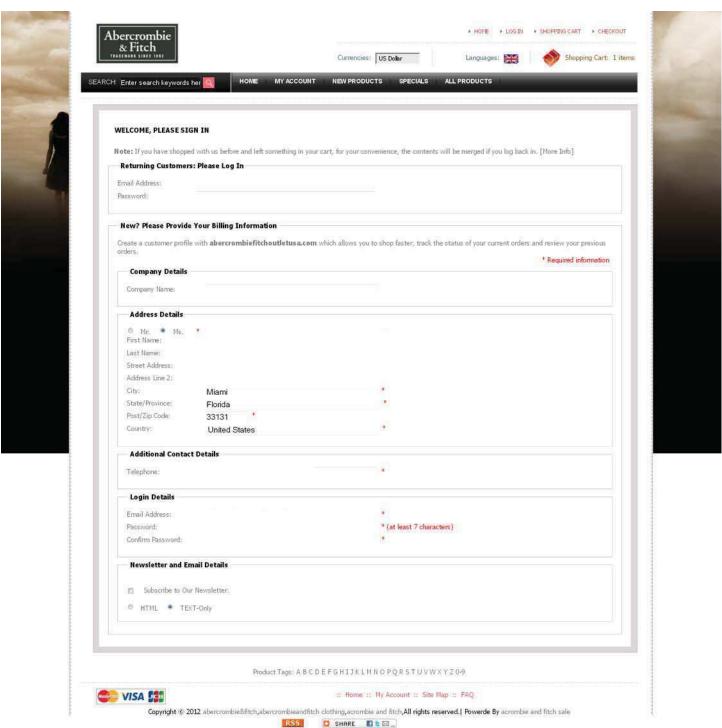
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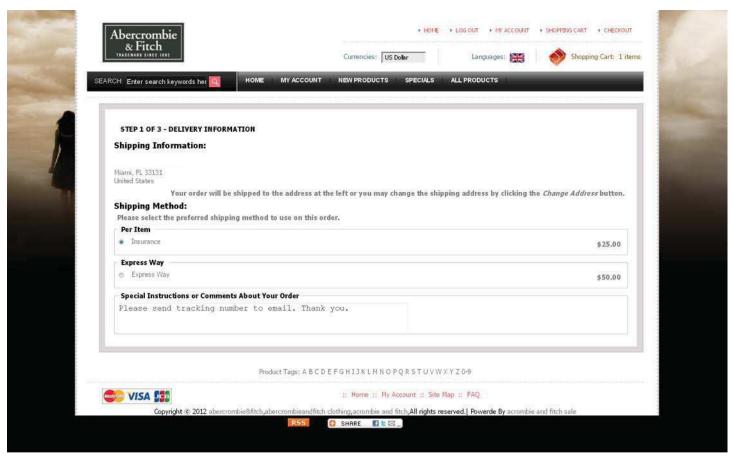
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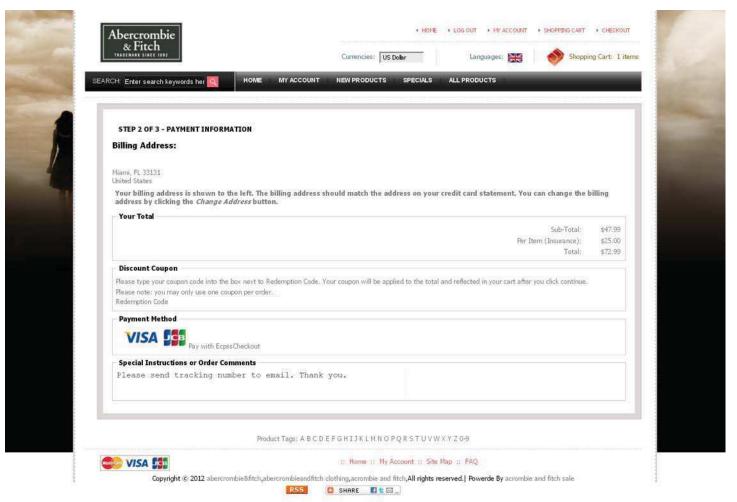
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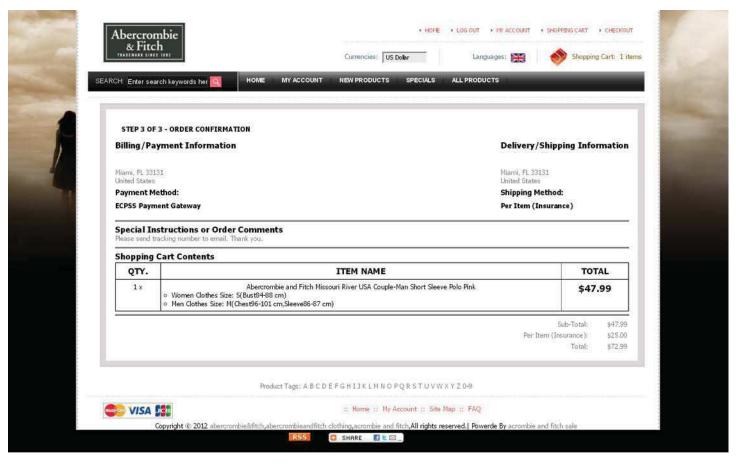
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Payment 1 of 1

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## **SECUREPAYMENTSONLINE**

The field marked with \* must be filled

Order Information:		
Payment Amount:	72.99 USD	Due to float disparity of Please wait
Merchant Order No.:	098-17006-20120403061130	page when processed.
Order No.:	316612441121983366	to double
Credit Card Inform	nation:	Successful p confirmatio details will I
		to the Bank authorization
VI	SA UCB	encryption. for using ou
	•	P
Credit Card Number:		1
Card Verification Numb	er:	
Card Expiry Date:		(A)
IssuingBank:	Name of the bank which issued the credit card(e.g.MBNA America Bank)	
ShippingAddress:		
First Name:		03-
Last Name :		
Email :		
ConfirmEmail:		4
Phone:		Ano
ZipCode:	33131 *	
Address:		
City:	Miami *	
State:	Florida	
Country:	United States	
Billing address: S	ame as Shipping address   Not Same as Shipping address	
First Name:		
Last Name :		
Email :		
ConfirmEmail:		
Phone:		
ZipCode:	33131 *	
Address:		
City:	Miami *	
State :	Florida	
Country:	United States	
	Confirm payment	
	Confirm payment	
Do not refresh the new	ofter you confirmed your payment to avoid double charge	

You will receive a notification email from visamasterpay@sitecomplaint.com when your payment is successful .please don't prevent any e-mail from visamasterpay.com.

For your safety we use highly secure order processing server with our own secure certificate issued by GeoTrust Your order is entered using a secure server, plus your credit card information is transferred internally using PGP, the most powerful encryption available Your customer details may not be sold and your card details are only known by our processing Bank.

Important:

te to floating exchange rate, tiny sparity of order value may exist. tase wait and do not refresh this ge when payment is being occessed. Refreshment will lead double charge!

Successful payment will get a confirmation email. Your payment details will be securely transmitted to the Bank for transaction authorization using 128 bit SSL encryption. Thank you very much for using our payment gateway.









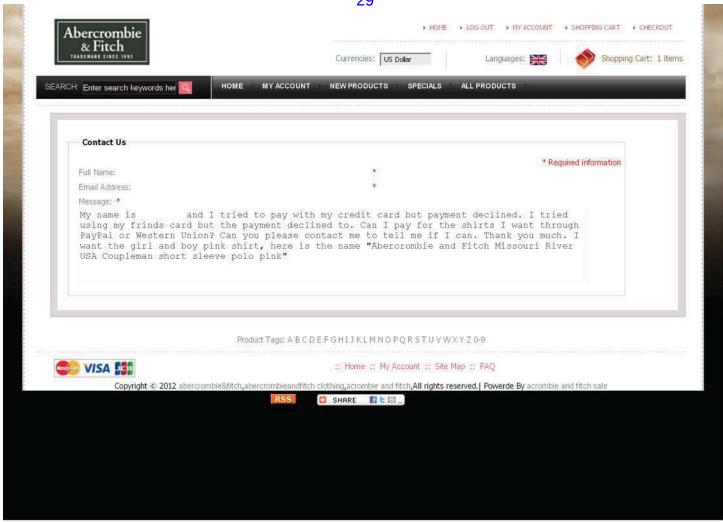




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#### Melcome to abercrombiefitchoutletusa.com

abercrombiefitchoutletusa.com < customerservice\_onlines@hotmail.com> Reply-To: "abercrombiefitchoutletusa.com" < customerservice\_onlines@hotmail.com> Tue, Apr 3, 2012 at 9:58 AM

Dear

We wish to welcome you to abercrombiefitchoutletusa.com.

You are now registered with our store and have account privileges: With your account, you can now take part in the various services we have to offer you. Some of these many services include:

Order History - View the details of orders you have completed with us.

Permanent Cart - Any products added to your online cart remain there until you remove them, or check them out.

Address Book - We can deliver your products to an address other than yours! This is perfect to send birthday gifts direct to the birthday-person

Products Reviews - Share your opinions on our products with other customers.

For help with any of our online services, please email the store-owner: customerservice\_onlines@hotmail.com

Sincerely,

abercrombiefitchoutletusa.com Store Owner

http://www.abercrombiefitchoutletusa.com/

This email address was given to us by you or by one of our customers. If you did not signup for an account, or feel that you have received this email in error, please send an email to customerservice onlines@hotmail.com

This email is sent in accordance with the US CAN-SPAM Law in effect 01/01/2004. Removal requests can be sent to this address and will be honored and respected.

Gmail - Payment Declined 1 of 1

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## M Payment Declined

Tue, Apr 3, 2012 at 10:31 AM

To: customerservice\_onlines@hotmail.com

Hi i sent you a message through the website but i want to make sure you get the message. i tried to times to pay with credit card but it declined. I used mine and my firinds card. Can you give me Western Union or maybe even PayPal to pay you. Please tell me soon. I want the pink girls and boy missouri river usa coupleman short sleeve polo. Girl small and boy medium Thank you much

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## M Payment Declined

Sarah lee <customerservice onlines@hotmail.com>

Wed, Apr 4, 2012 at 6:35 PM

Dear friend,

Here is Sarah

Tks for email us, we can accept western union, which address do you want to deliver the order to, and you can pay the money to the following info, after you pay the order,

pls email us the MTCN so that w can know it and then prepare the order and ship the order to you asap, first name: jiancong last name: chen adress: Changshan, Fuzhou, Fujian, China postal code: 350000 We are look forwards to do long business with you

Best wishes,

Sarah

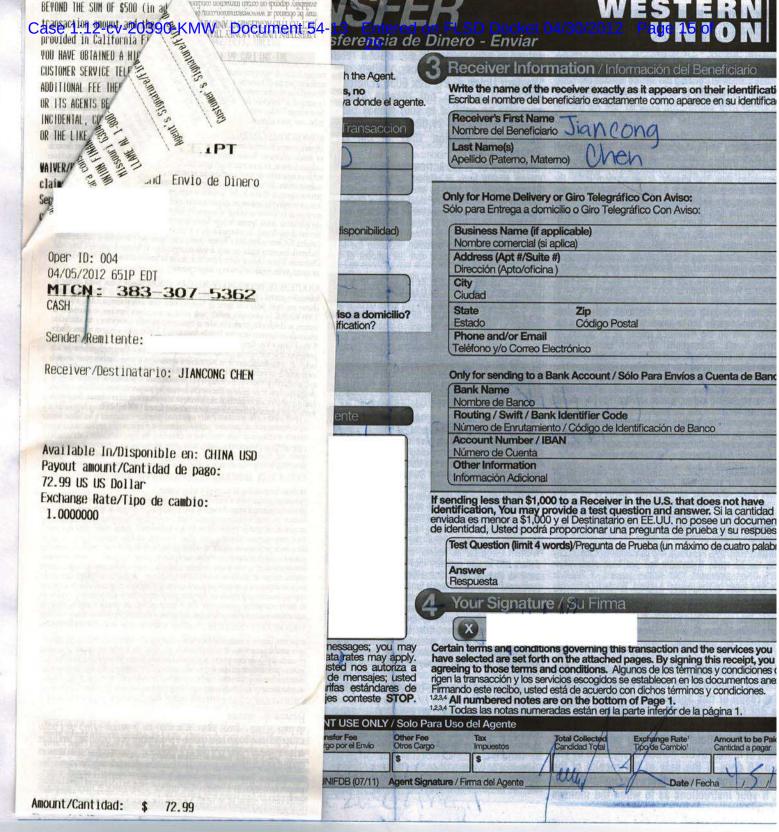
From:

Sent: Wednesday, April 04, 2012 1:31 AM To: customerservice\_onlines@hotmail.com

**Subject:** Payment Declined

[Quoted text hidden]

4/5/2012 1:10 PM 1 of 1



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## M Payment Declined

Thu, Apr 5, 2012 at 5:06 PM

To: Sarah lee <customerservice\_onlines@hotmail.com>

Hello! =)

I just sent \$72.99USD Jiancong Chen. The MTCN is: 383-307-5362. My shipping address is below, when you ship my item can you please send me a tracking number, thank you so much!

Miami, FL 33131

1 of 1 4/5/2012 5:06 PM

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## M Payment Declined

Sarah lee < customerservice onlines@hotmail.com>

Thu, Apr 5, 2012 at 5:55 PM

Dear friend,

Here is Sarah, can you tell me which is the first name and last name for the sender name?

so that we can confirm with our bank ,look forwards to your answer Best wishes,

Sarah

From:

Sent: Friday, April 06, 2012 8:06 AM

To: Sarah lee

Subject: Re: Payment Declined

[Quoted text hidden]

4/6/2012 9:02 AM 1 of 1

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# M Payment Declined

Thu, Apr 5, 2012 at 6:27 PM

To: Sarah lee <customerservice\_onlines@hotmail.com>

Hi, its from me,

Thanks!

[Quoted text hidden]

4/6/2012 9:02 AM 1 of 1



## M Payment Declined

Sarah lee < customerservice onlines@hotmail.com>

Thu, Apr 5, 2012 at 6:28 PM

Dear friend,

Here is Sarah, we have checked with our bank, we have already received the money from you Can you confirm the address with us,

Miami, Florida 33131 United States

and tell me which size do you want for your order? Women Clothes Size: 5 or Men Clothes Size: M Look forwards to your answer Best wishes, Sarah

From:

Sent: Friday, April 06, 2012 8:06 AM

To: Sarah lee

Subject: Re: Payment Declined

[Quoted text hidden]

4/6/2012 9:04 AM 1 of 1

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## M Payment Declined

Thu, Apr 5, 2012 at 6:33 PM

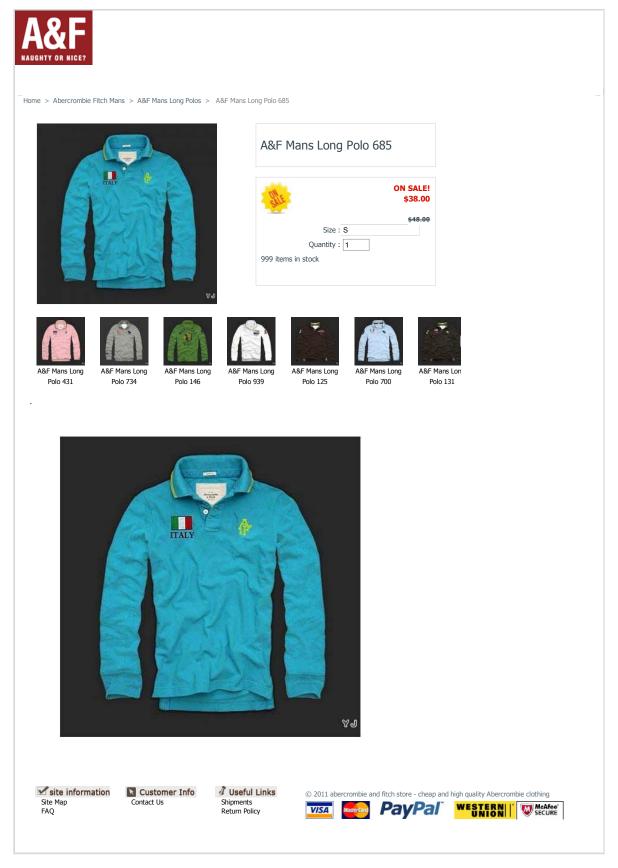
To: Sarah lee <customerservice\_onlines@hotmail.com>

Thank you so much for confirming! My address is correct and I would like girls small and boy medium size. Thank you so much.

[Quoted text hidden]

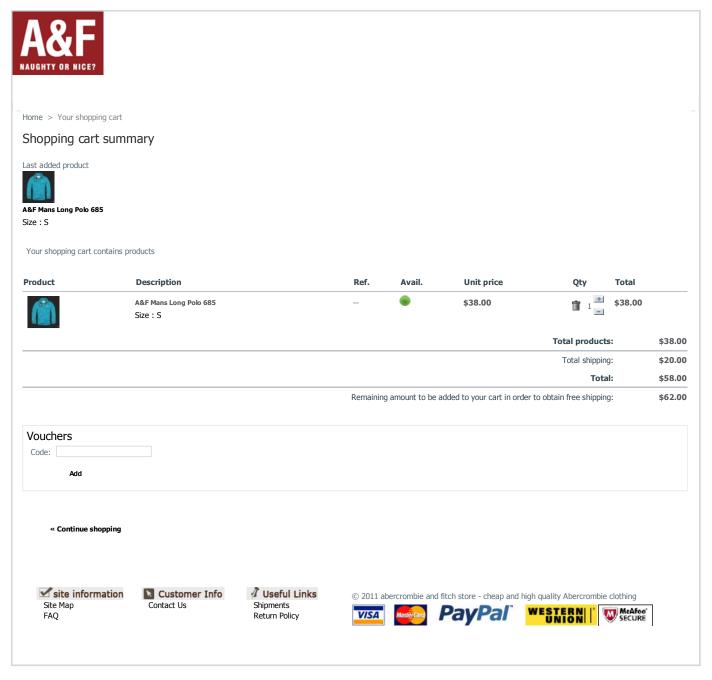
1 of 1 4/6/2012 9:04 AM

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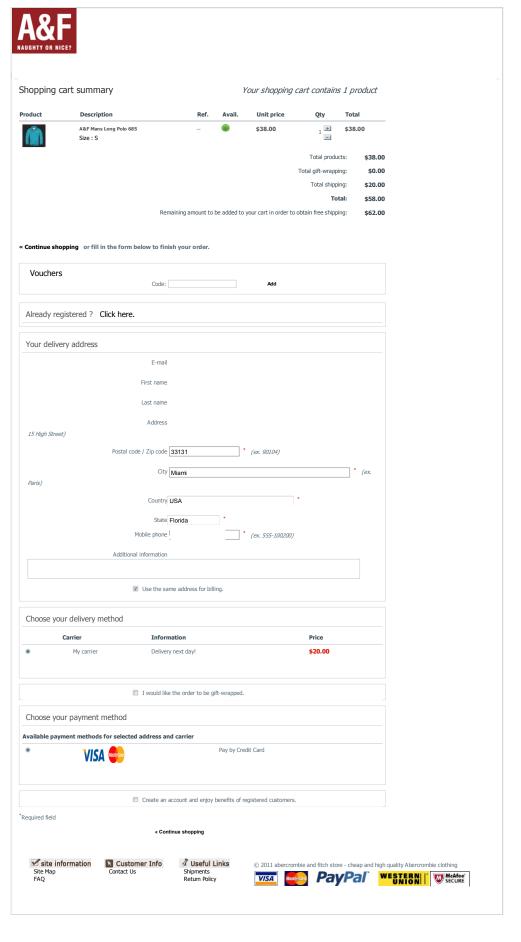
abercrombie shop 1 of 1

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Payment 1 of 1

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# **SECUREPAYMENTSONLINE**

#### The field marked with \* must be filled

Order Information:	
Payment Amount:	58 USD
Merchant Order No.:	a0213
Order No.:	13721244221523950
Credit Card Informa	ation :
VIS	SA JCB
	0
Credit Card Number:	
Card Verification Number	er:
Card Expiry Date:	
IssuingBank:	Name of the bank which issued the credit card(e.g.MBNA America Bank)
ShippingAddress:	
First Name:	
Last Name :	
Email :	
ConfirmEmail :	
Phone:	
ZipCode:	33131 *
Address:	
City:	Miami *
State:	Florida
Country:	USA *
	ame as Shipping address O Not Same as Shipping address
Rilling address:	
Billing address:	anie as Jinpping address Vict Jame as Jinpping address
Billing address: Sa	anie as shipping address — Not Saine as shipping address

Do not refresh the page after you confirmed your payment to avoid double charge.

You will receive a notification email from visamasterpay@sitecomplaint.com when your payment is successful .please don't prevent any e-mail from visamasterpay.com.

For your safety we use highly secure order processing server with our own secure certificate issued by GeoTrust Your order is entered using a secure server, plus your credit card information is transferred internally using PCP, the most powerful encryption available Your customer details may not be sold and your card details are only known by our processing Bank.

#### Important:

Due to floating exchange rate, tiny disparity of order value may exist. Please wait and do not refresh this page when payment is being processed. Refreshment will lead to double charge!

Successful payment will get a confirmation email. Your payment details will be securely transmitted to the Bank for transaction authorization using 128 bit SSL encryption. Thank you very much for using our payment gateway.







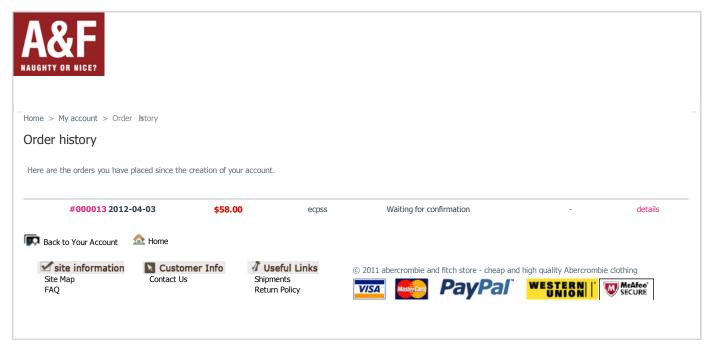






abercrombie shop

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Gmail - Authorization 1 of 1

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## M Authorization

Tue, Apr 3, 2012 at 11:24 AM

Dear

An authorization for \$58.18 at MAOYUKISS LTDA 8610 CN has been made



#### Information from www.sitecomplaint.com(The system e-mail, Please do not reply)

Tuesday, April 3, 2012 11:24 AM

From: "visamasterpay@sitecomplaint.com" <visamasterpay@sitecomplaint.com>

To:

The system e-mail, Please do not reply

#### Dear

This is an automated email to confirm that you have made a payment to "securityrisk-check.com" on 04/03/2012 18:21:05 GMT and your transaction amount is 58.0 USD.

The charge will appear on your credit card statement as payment to 'maoyukiss Ltda'.

Order details:

Merchant Order No.: a0213

Order No. : 13721244221523950

Payment Date&Time: 04/03/2012 18:21:05 GMT

Amount : 58.0 USD

If you have any disputes about this transaction, please feel free to complain on <a href="http://www.sitecomplaint.com">http://www.sitecomplaint.com</a> in time.

We (<a href="http://Sitecomplaint.com">http://Sitecomplaint.com</a>) are the professional third party institution engaged in dealing with all disputes among sellers, payment processor and customers.

We'll try our best to help you until you are satisfied with it.and you also can send complaint E-mail to csreason@Sitecomplaint.com

- \*\*Due to floating exchange rate, tiny disparity of order value may exist.
- \*\*Please note that your bank may apply a small charge for handling this transaction.

#### Contact details:

Customer service line: +1-240-2859679
Email: csreason@sitecomplaint.com

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- ☆ We (Sitecomplaint.com) are the independent third party institution with credibility dealing with all disputes.
- ☆ We devote ourselves to safeguarding cardholder's benefit.
- \$\frac{1}{10}\$ If you have any problems about this transaction, please don't hesitate to contact us. We'll try our best to help you until you are satisfied with it.
- ☆ Please set up our email address to be acceptable in order that we can help you in time.

1 of 1 4/5/2012 1:46 PM

04/03/2012 11:21:37 MAOYUKISS LTDA 8610 CN \$-58	8.18
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