

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

Case No. 20-cv-20265-BLOOM/Louis

NFL PROPERTIES LLC; FORTY NINERS
FOOTBALL COMPANY LLC; and KANSAS
CITY CHIEFS FOOTBALL CLUB, INC.,

Plaintiffs,

v.

JOHN OR JANE DOES and JOHN DOE
COMPANIES 1-100,

Defendants.

ORDER ON MOTION FOR DEFAULT FINAL JUDGMENT

THIS CAUSE is before the Court upon Plaintiffs', NFL Properties LLC ("NFLP"), Forty Niners Football Company LLC (the "49ers Club"), and Kansas City Chiefs Football Club, Inc. (the "Chiefs Club") (collectively, "Plaintiffs"), Motion for Default Final Judgment, ECF No. [31] ("Motion"). The Court has considered the Motion, the record in this case, the applicable law, and is otherwise fully advised. For the reasons set forth below, the Motion is granted.

On January 28, 2020, the Court entered an *ex parte* Temporary Restraining Order, Seizure Order and Order to Show Cause, ECF No. [14] (the "January 28, 2020 Order"). Plaintiffs then seized counterfeit items from Defendants James Anthony Dominic (January 30, 2020), Miriam Dubon (January 31, 2020), David Lamont Ross (February 1, 2020) and Gerald A. Vailes (February 2, 2020), pursuant to the January 28, 2020 Order and served the Defendants with the Summons and Verified Complaint. ECF Nos. [19], [20], [24-1]. The Court subsequently entered an Order Granting a Preliminary Injunction, ECF No. [24].

Since being properly served, no Defendant has filed an Answer, appeared in this action, contested Plaintiffs' seizures, or otherwise pled or contested Plaintiffs' lawsuit, and the time for answering the Verified Complaint has expired. *See* ECF No. [26]. Indeed, the Clerk of the Court entered default against Defendants James Dominic, Miriam Dubon, David Lamont Ross and Gerald Vailes on March 6, 2020. ECF No. [29]. The record demonstrates that Plaintiffs have provided adequate notice to Defendants and the United States Attorney for the Southern District of Florida of their intent to dispose of the seized items. *See* ECF Nos. [5] and [31-1].

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

1. This is an action for trademark counterfeiting arising under the Trademark Act of 1946, 15 U.S.C. §§ 1051, *et seq.*, as amended by the Trademark Counterfeiting Act of 1984, Public Law 98-473 (October 12, 1984), and the Prioritizing Resources and Organization for Intellectual Property Act of 2007, H.R. 4279 (October 13, 2008) (the "Lanham Act"), and under the laws of the State of Florida.

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1332(a), and 1338(a) and (b); and 15 U.S.C. §§ 1116 and 1121. This Court has jurisdiction, pursuant to the principles of supplemental jurisdiction and 28 U.S.C. § 1367, over Plaintiffs' claims arising under the laws of the State of Florida.

3. This Court has personal jurisdiction over Defendants James Dominic, Miriam Dubon, David Lamont Ross and Gerald Vailes because each Defendant (a) transacted business within the State of Florida; (b) moved counterfeit goods in interstate commerce; (c) committed tortious acts in the State of Florida; and (d) injured Plaintiffs and the public in Miami-Dade County. Accordingly, this Court has personal jurisdiction over Defendants pursuant to Florida Stat. §§ 48.193(1)(a) and 48.193(2).

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400(a) in that Defendants are entities or individuals subject to personal jurisdiction in this district. Further, venue is appropriate because a substantial portion of the acts complained of herein were committed by Defendants within this district.

5. Plaintiffs own and/or control the federal and Florida trademarks identified in the registration certificates annexed as Exhibits 1, 2, and 3 to the Verified Complaint (collectively, the “NFL Trademarks”).

6. Defendants James Dominic, Miriam Dubon, David Lamont Ross and Gerald Vailes unlawfully, and without Plaintiffs’ authorization, offered for sale and/or sold merchandise and tickets bearing counterfeits of the NFL Trademarks in Miami-Dade County in connection with the Super Bowl LIV championship game. This conduct constitutes trademark counterfeiting in violation of 15 U.S.C. §§ 1114-1117, and under the laws of the State of Florida.

7. As authorized under Federal Rule of Civil Procedure 55(b), default judgment is entered for Plaintiffs and against Defendants James Dominic, Miriam Dubon, David Lamont Ross and Gerald Vailes on Plaintiffs’ claims for trademark counterfeiting in violation of 15 U.S.C. §§ 1114-1117, and under the laws of the State of Florida.

8. Plaintiffs may dispose of the counterfeit items seized pursuant to the January 28, 2020 Order from Defendants James Dominic, Miriam Dubon, David Lamont Ross and Gerald Vailes by donating such items through third-party organizations or otherwise, or if reasonably necessary, by destroying such items.

9. Plaintiffs’ bond in the amount of \$75,000.00, filed January 29, 2020, is exonerated, and the Clerk of the Court shall **RELEASE** the bond to Plaintiffs’ counsel.

DONE AND ORDERED in Chambers at Miami, Florida, this 30 day of March, 2020.



BETH BLOOM
UNITED STATES DISTRICT JUDGE

Copies to:

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