

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FENDI S.R.L.,

Plaintiff,

v.

THE PARTNERSHIPS and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A”,

Defendants.

Case No. 1:24-cv-05629

District Judge April M. Perry

Magistrate Judge Gabriel A. Fuentes

INITIAL STATUS REPORT

Pursuant to the Court’s December 6, 2024 Order (Dkt. 38), Plaintiff Fendi S.R.L. submits the following initial status report.

1. The Nature of the Case

a. Attorneys of Record

- i. Plaintiff: John Haarlow, Jr.
- ii. Defendants: None.

b. Basis for Federal Jurisdiction

This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Lanham Act, 15 U.S.C. § 1051, et seq., 28 U.S.C. § 1338(a)-(b) and 28 U.S.C. § 1331.

c. Nature of the Claims Asserted and Any Counterclaims

Plaintiff alleges claims for willful federal trademark infringement and counterfeiting (15 U.S.C. § 1114) and false designation of origin (15 U.S.C. § 1125(a)). Defendants have not appeared or asserted any counterclaims.

d. Relief Sought

Plaintiff seeks injunctive relief against Defendants barring further infringement of Plaintiff's federally registered trademarks.

Plaintiff seeks an accounting of, and payment to Plaintiff of, all profits realized by Defendants through the unauthorized advertising and sale of products bearing Plaintiff's federally registered trademarks on various online marketplaces. Plaintiff requests treble damages for Defendants' infringement pursuant to 15 U.S.C. § 1117.

Alternatively, Plaintiff requests that it be awarded statutory damages for willful trademark counterfeiting pursuant to 15 U.S.C. § 1117(c)(2) of \$2,000,000 for each unlawful use of Plaintiff's federally registered trademarks.

e. Parties Not Yet Served

None.

2. Discovery and Pending Motions

a. Pending Motions

Plaintiff's October 30, 2024 Motion for Preliminary Injunction (Dkt. 29) and Plaintiff's November 27, 2024 Motion for Default Judgment (Dkt. 34) are pending. There is no briefing schedule set for either motion.

b. Discovery Schedule

None.

c. Description of Discovery Conducted

Plaintiff has sought and/or obtained discovery regarding Defendants from third-party platform providers and payment providers including Amazon and DHGate.

d. Discovery to Be Completed

None at this time.

e. Substantive Rulings in the Case

The Court granted Plaintiff's motion for electronic service on October 15, 2024. (Dkt. 22.) On October 15, 2024, the Court entered a TRO in favor of Plaintiff (Dkt. 23) and extended the TRO on October 29, 2024. (Dkt. 27-28.)

f. Anticipated Motions

None at this time.

3. Trial

a. Jury Demands

None.

b. Trial Date

None. No Defendants have appeared, so trial does not appear necessary at this time. Should one or more Defendants appear, Plaintiff estimates it will need 90 days to be ready for trial as additional discovery will likely be necessary. If there is motion practice initialed by Defendant(s), additional time prior to trial will become necessary.

c. Final Pretrial Order

No final pretrial order has been filed, and there is no deadline for same.

d. Length of Trial

The number of days required for trial will depend on the number of Defendants who appear, and the issues raised by them.

4. Settlement, Referrals, and Consent

a. Settlement Discussions

The parties have not engaged in settlement discussions.

b. Referral to Magistrate Judge

This case has not been referred to the Magistrate Judge for discovery supervision and/or a settlement conference.

c. Settlement Conference

Plaintiff does not request a settlement conference at this time before this Court or the Magistrate Judge.

d. Proceeding Before Magistrate Judge

Because no Defendants have appeared, counsel has not specifically discussed the possibility of proceeding before the assigned Magistrate Judge for all purposes, including trial and entry of final judgment. Counsel will discuss that possibility in the event of an appearance. Plaintiff does not consent to proceed before a Magistrate Judge for all purposes at this time.

5. Other

With respect to joinder, Plaintiff contends joinder is appropriate under *Bose Corp.*, because Plaintiff is facing a “swarm” of trademark infringement by Defendants in this case who use the anonymity of the internet to violate Plaintiffs’ trademark rights with impunity. *Bose Corp. v. P’ships & Unincorporated Ass’ns Identified on Schedule “A”*, 334 F.R.D. 511, 516-17 (N.D. Ill. 2020).

Plaintiff acknowledges that the Court has directed Plaintiff to *Estee Lauder Cosmetics Ltd.* *Estee Lauder* recognizes that the Court has “broad discretion . . . in remedying misjoinder, so long as the court’s decision avoids unnecessary harm to the parties.” *Estee Lauder Cosmetics Ltd. v. P’ships & Unincorporated Ass’ns. Identified On Schedule A*, 334 F.R.D. 182, 186 (N.D. Ill. 2020). Here, Plaintiff has already obtained a TRO, served all Defendants, and its Motion for Default Judgment is pending. Requiring Plaintiff to sever Defendants into additional cases will cause unnecessary harm to Plaintiff by multiplying this case into additional cases when its

dispositive motion is pending without any benefit to Defendants, none of whom have appeared.

As *Bose* acknowledged in permitting joinder:

This decision is also informed by practical considerations. Probably none of the Defendants will ever make an appearance in this case and the default judgment process will determine the case's outcome in its entirety. So even if the Court ordered the 17 defendants to be severed, it is unlikely that anything would change in the manner in which Bose's claims are litigated or managed.

Bose, 334 F.R.D. 511 at 517. Indeed, Plaintiff will be required to go through the same process it has herein to date, without any expectation of a different result, and while multiplying proceedings before the Court by filing additional actions that will likely result in the same outcome – default judgment – that is presently ripe for the Court's consideration. Plaintiff respectfully requests that the Court decline to exercise its discretion to sever any Defendants herein or direct Plaintiff to remedy any misjoinder to avoid prejudice to Plaintiff and multiplication of these proceedings without any benefit to the Defendants.

If the Court determines that Defendants must be severed, Plaintiff requests the Court grant it thirty (30) days to file an Amended Schedule A herein against one or more of the current Defendants along with a memo explaining why joinder of those defendants is proper.

Dated December 16, 2024.

Respectfully submitted,

/s/ John Haarlow, Jr.

Counsel for Plaintiff Fendi S.R.L.
John Haarlow, Jr. (ARDC #6283018)
MERCER OAK LLC
29 North Ada Street
Chicago, IL 60607
(872) 248-0601
john@merceroaklaw.com

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2024, I will cause the foregoing to be filed electronically with the Clerk of the Court using the CM/ECF system, published on a website, and I will cause to be sent an e-mail to the e-mail addresses identified in Exhibit 2 to the Declaration of Nicolas Lambert and any e-mail addresses provided for Defendants by third parties that includes a link to said website.

/s/ John Haarlow, Jr. _____

Counsel for Plaintiff Fendi, S.R.L.