

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

SKYBROOK E-COMMERCE, LLC
a North Carolina Limited Liability Company,

Plaintiff,

Case No.: 1:25-cv-10649

v.

Hon. Sunil R. Harjani

<EVER-DRY.COM> and THE INDIVIDUALS
AND ENTITIES OPERATING
<EVER-DRY.COM>

Defendants.

PLAINTIFF’S MOTION FOR EXPEDITED DISCOVERY

Plaintiff Skybrook E-Commerce, LLC (“Plaintiff”) seeks this Court’s authorization to engage in expedited discovery regarding <ever-dry.com> and the Individuals and Entities Operating <ever-dry.com>, the sole Defendant named on the Amended Schedule A (“Defendants”). Plaintiff hereby withdraws its Motion for Leave to File Under Seal [3].

As alleged in Plaintiff’s Amended Complaint, Defendants are individual or business entities operating an ecommerce store via <ever-dry.com> and potentially other ecommerce stores through other domain names similar to Plaintiff’s Everdries Mark. Defendants have targeted sales to Illinois residents through its ecommerce store, offer shipping to Illinois, accept payment in US dollars, and have sold unauthorized and unlicensed products using infringing and counterfeit versions of Plaintiff’s federally registered trademarks. This ecommerce store also uses a domain name, <ever-dry.com> that violates the Anticybersquatting Consumer Protection Act (the “ACPA”).

Generally, Fed. R. Civ. P. 26(d) requires the parties to have conferred as required by Rule 26(f) prior to seeking discovery. However, this same rule permits the Court to enter an order

allowing for expedited discovery. Courts have wide discretion in determining whether to grant a party's request for discovery. *Ibarra v. City of Chicago*, 816 F.Supp.2d 541, 554 (N.D.Ill. 2011). District courts "evaluate a motion for expedited discovery 'on the entirety of the record to date and the reasonableness of the request in light of all the surrounding circumstances.'" *Id.* (quotation omitted).

In this case, Plaintiff is attempting to prosecute trademark infringement, counterfeiting, and ACPA claims against the individuals and entities responsible for operating a website that is a slavish copy of Plaintiff's website, selling the exact same goods Plaintiff sells, using a trademark confusingly similar to Plaintiff's Everdries mark, through a domain name that itself infringes on Plaintiff's Everdries Mark. For sake of clarity, Plaintiff operates its own ecommerce store through <everdries.com> selling women's incontinence under garments advertising under the Everdries Mark. On the other hand, Defendants operate their ecommerce store through <ever-dry.com> selling women's incontinence under garments advertising under the Everdry mark. Defendants have unquestionably infringed on Plaintiff's rights, using Plaintiff's goodwill to sell counterfeit products.

Defendant's <ever-dry.com> website contains no United States physical address. Instead, it lists a marketing agency located in Singapore. The WHOIS record for <ever-dry.com> lists a privacy proxy service as the domain name registrant, obscuring the true ownership of the <ever-dry.com> domain name. **Exhibit 1**, WHOIS Record. Plaintiff will only be able to uncover the true registrant of the <ever-dry.com> domain name through a subpoena to the domain name registrar, Dynadot. Plaintiff requires expedited discovery to unmask the domain name registrant, locate true contact information, obtain sales information, and to obtain specific email addresses to effectuate service of process by email.

Plaintiff also seeks this Court's permission to obtain discovery related to certain other infringing domain names. In its original Complaint and Schedule A, Defendant named other domain name, being <shopeverdries.com> and <everdriesofficial.store> (the "Other Infringing Domains"). Upon information and belief, the individuals and entities operating <ever-dry.com> are *also* operating the Other Infringing Domains. Plaintiff has this belief because all of the Other Infringing Domains display websites that are practically identical to <ever-dry.com> selling the same products. **Exhibit 2**, Screenshots of <ever-dry.com>; **Exhibit 3**, Screenshots of Other Infringing Domains. Further, the domain registrants of the Other Infringing Domains have also used privacy proxy services to hide the true registrant information. **Exhibit 4**, WHOIS Records for Other Infringing Domains. Plaintiff requires discovery into the ownership of the Other Infringing Domains to understand whether these domains are connected to the ownership of <ever-dry.com> which would provide a full understanding of the nature and extent of the Defendants' infringement. Further, this discovery would permit Plaintiff to meet its burden under Fed. R. Civ. P. 20(a)(2) to determine whether joinder of those domains is proper in this matter.

CONCLUSION

Plaintiff respectfully requests this Honorable Court enter an order permitting Plaintiff to engage in expedited discovery. Plaintiff has submitted a proposed order to the Court's chambers.

Respectfully submitted,

Date: October 3, 2025

/s/ Eric Misterovich
Eric Misterovich (P73422)
Revision Legal, PLLC
205 North Michigan Avenue, Ste. 810
Chicago, IL 60601
269-281-3908
eric@revisionlegal.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned certifies that on the date below the foregoing was served on counsel of record via the Court's ECF system.

Date: October 3, 2025

/s/ Eric Misterovich
Eric Misterovich (P73422)
Revision Legal, PLLC
205 North Michigan Avenue, Ste. 810
Chicago, IL 60601
269-281-3908
eric@revisionlegal.com

Attorneys for Plaintiff