

No. 18-1074

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IN THE

**Supreme Court of the United States**

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BRIAN PERRYMAN,

*Petitioner,*

v.

JOSUE ROMERO, ET AL.,

*Respondents*

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**On Petition for a Writ of Certiorari to the  
United States Court of Appeals  
for the Ninth Circuit**

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**RESPONDENT PROVIDE COMMERCE, INC.'S NOTICE  
OF SUGGESTION OF PENDENCY OF BANKRUPTCY  
AND AUTOMATIC STAY OF PROCEEDINGS**

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*Counsel for Respondent  
Provide Commerce, LLC (formerly  
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June 10, 2019

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**PLEASE TAKE NOTICE THAT** on June 3, 2019 (the "Petition Date"), FTD Companies, Inc. and its direct and indirect domestic subsidiaries, as debtors and debtors in possession (collectively, the "Debtors"), filed voluntary petitions for relief in the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court") under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"). As indicated by the Bankruptcy Court's order attached hereto as Exhibit A and incorporated herein by reference, the Debtors' chapter 11 cases are pending before the Honorable Laurie Selber Silverstein and are being jointly administered by the Bankruptcy Court under case number 19-11240. Provide Commerce LLC, formerly known as Provide Commerce, Inc., one of the aforementioned Debtors, is a defendant in the above-captioned case.

**PLEASE TAKE FURTHER NOTICE THAT**, in accordance with the automatic stay imposed by operation of section 362 of the Bankruptcy Code (the "Automatic Stay"), from and after the Petition Date, no cause of action arising prior to, or relating to the period prior to, the Petition Date may be commenced or continued against the Debtors, including Provide Commerce LLC, in any judicial, administrative or other action or proceeding and no related judgment may be entered or enforced against the Debtors outside of the Bankruptcy Court without the Bankruptcy Court first issuing an order lifting or modifying the Automatic Stay for such specific purpose.

**PLEASE TAKE FURTHER NOTICE THAT** actions taken in violation of the Automatic Stay, and judgments entered or enforced against the Debtors while the Automatic Stay is in effect, are void *ab initio* and without effect.

**PLEASE TAKE FURTHER NOTICE THAT** neither the Bankruptcy Court nor the District Court for the District of

Delaware has issued an order lifting or modifying the Automatic Stay for the specific purpose of allowing any party to the above captioned proceeding (the "Proceeding") to commence or continue any cause of action against the Debtors.

**PLEASE TAKE FURTHER NOTICE THAT**, in light of the foregoing, the Proceeding cannot proceed or otherwise go forward with respect to the Debtors or the Debtors' assets or liabilities, and the Debtors may not take any further action during the pendency of their bankruptcy cases to participate in the Proceeding.

**PLEASE TAKE FURTHER NOTICE THAT** information regarding the status of the Debtors' chapter 11 case may be obtained by (a) reviewing the docket of the Debtors' chapter 11 case at <http://www.deb.uscourts.gov/> (PACER login and password required) or free of charge at [www.omningt.com/ftd](http://www.omningt.com/ftd) or (b) contacting any of the following counsel for Debtors:

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- or -

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**PLEASE TAKE FURTHER NOTICE THAT** the Debtors hereby expressly reserve all of their rights with respect to the Proceeding, including, but not limited to, the right to move to vacate any judgment entered in the Proceeding as void.

Respectfully submitted,



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*Provide Commerce, LLC (formerly  
known as Provide Commerce, Inc.)*

June 10, 2019

**EXHIBIT A**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

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In re:

FTD Companies, Inc.

Debtor.

Tax Identification Number: 32-0255852

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Chapter 11

Case No. 19-11240 (LSS)

In re:

Bloom That, Inc.

Debtor.

Tax Identification Number: 46-2919936

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Chapter 11

Case No. 19-11242 (LSS)

In re:

Florists' Transworld Delivery, Inc.

Debtor.

Tax Identification Number: 38-0546960

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Chapter 11

Case No. 19-11244 (LSS)

In re:

FlowerFarm, Inc.

Debtor.

Tax Identification Number: 36-4332852

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Chapter 11

Case No. 19-11246 (LSS)

In re:

FSC Denver LLC

Debtor.

Tax Identification Number: 83-4367104

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Chapter 11

Case No. 19-11247 (LSS)

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In re:

FSC Phoenix LLC

Debtor.

Tax Identification Number: 83-4447970

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Chapter 11

Case No. 19-11249 (LSS)

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In re:

FTD, Inc.

Debtor.

Tax Identification Number: 13-3711271

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Chapter 11

Case No. 19-11241 (LSS)

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In re:

FTD.CA, Inc.

Debtor.

Tax Identification Number: 45-2787556

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Chapter 11

Case No. 19-11243 (LSS)

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In re:

FTD.COM Inc.

Debtor.

Tax Identification Number: 36-4294509

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Chapter 11

Case No. 19-11245 (LSS)

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In re:

FTD Group, Inc.

Debtor.

Tax Identification Number: 87-0719190

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Chapter 11

Case No. 19-11251 (LSS)

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In re:

FTD Mobile, Inc.

Debtor.

Tax Identification Number: 45-0717423

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Chapter 11

Case No. 19-11253 (LSS)

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In re:

Giftco, LLC

Debtor.

Tax Identification Number: 46-3345832

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Chapter 11

Case No. 19-11248 (LSS)

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In re:

Provide Cards, Inc.

Debtor.

Tax Identification Number: 20-5803462

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Chapter 11

Case No. 19-11250 (LSS)

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In re:

Provide Commerce LLC

Debtor.

Tax Identification Number: 84-1450019

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Chapter 11

Case No. 19-11252 (LSS)

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In re:

Provide Creations, Inc.

Debtor.

Tax Identification Number: 36-4188964

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Chapter 11

Case No. 19-11254 (LSS)



**ORDER GRANTING MOTION OF THE DEBTORS FOR AN ORDER  
DIRECTING THE JOINT ADMINISTRATION OF THEIR CHAPTER 11 CASES**

This matter coming before the Court on the *Motion of the Debtors for an Order Directing the Joint Administration of Their Chapter 11 Cases* (the "Motion"),<sup>1</sup> filed by the above-captioned debtors and debtors in possession (collectively, the "Debtors"); the Court having reviewed the Motion and the First Day Declaration and having considered the statements of counsel with respect to the Motion at a hearing before the Court (the "Hearing"); the Court having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the District of Delaware*, dated as of February 29, 2012, (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b), (iii) venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409, and (iv) notice of the Motion and the Hearing is sufficient under the circumstances; and the Court having determined that the legal and factual bases set forth in the Motion and the First Day Declaration establish just cause for the relief granted herein;

**IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED as set forth herein.
2. The above-captioned chapter 11 cases shall be consolidated for procedural purposes only and shall be administered jointly. The Clerk of the Court shall maintain one file and one docket for all of these jointly administered cases, which file and docket for each respective chapter 11 case shall be the file and docket for FTD Companies, Inc. (the "Main Case"), Case No. 19-11240 (LSS).

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<sup>1</sup> Capitalized terms not otherwise defined herein have the meanings given to them in the Motion.

3. Parties-in-interest are directed to use the Proposed Caption annexed hereto as Exhibit 1 when filing pleadings with the Court in the Chapter 11 Cases of the Debtors indicating that the pleading relates to the jointly administered chapter 11 cases of "FTD Companies, Inc., et al." The consolidated caption satisfies the requirements of section 342(c) of the Bankruptcy Code in all respects.

4. A docket entry shall be made on the docket in each of the above-captioned cases (other than the Main Case) substantially as follows:

An order has been entered in this case directing the procedural consolidation and joint administration of the chapter 11 cases of FTD Companies, Inc., Bloom That, Inc., Florists' Transworld Delivery, Inc., FlowerFarm, Inc., FSC Denver LLC, FSC Phoenix LLC, FTD, Inc., FTD.CA, Inc., FTD.COM Inc., FTD Group, Inc., FTD Mobile, Inc., Giftco, LLC, Provide Cards, Inc., Provide Commerce LLC, and Provide Creations, Inc. The docket of FTD Companies, Inc., Case No. 19-11240 (LSS) should be consulted for all matters affecting this case.

5. Nothing contained in the Motion or this Order shall be deemed or construed as directing or otherwise effectuating a substantive consolidation of the above-captioned chapter 11 cases.

6. The Debtors are authorized to utilize a combined service list for the jointly administered cases, and combined notices may be sent to creditors of the Debtors' estates and other parties-in-interest, as applicable.

7. The Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Order.

8. This Court shall retain exclusive jurisdiction over any and all matters arising from or related to the implementation or interpretation of this Order.

A handwritten signature in black ink, reading "Laurie Selber Silverstein". The signature is written in a cursive, flowing style.

**Dated: June 4th, 2019**  
**Wilmington, Delaware**

**LAURIE SELBER SILVERSTEIN**  
**UNITED STATES BANKRUPTCY JUDGE**

**EXHIBIT 1**

**Proposed Caption**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

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In re:	:	Chapter 11
FTD Companies, Inc., <u>et al.</u> , <sup>1</sup>	:	Case No. 19-11240 (LSS)
Debtors.	:	(Jointly Administered)

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**[TITLE OF PLEADING OR OTHER DOCUMENT]**

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<sup>1</sup> The Debtors are the following 15 entities (the last four digits of their respective taxpayer identification numbers, if any, follow in parentheses): FTD Companies, Inc. (5852); Bloom That, Inc. (9936); Florists' Transworld Delivery, Inc. (6960); FlowerFarm, Inc. (2852); FSC Denver LLC (7104); FSC Phoenix LLC (7970); FTD, Inc. (1271); FTD.CA, Inc. (7556); FTD.COM Inc. (4509); FTD Group, Inc. (9190); FTD Mobile, Inc. (7423); Giftco, LLC (5832); Provide Cards, Inc. (3462); Provide Commerce LLC (0019); and Provide Creations, Inc. (8964). The Debtors' noticing address in these chapter 11 cases is 3113 Woodcreek Drive, Downers Grove, IL 60515.