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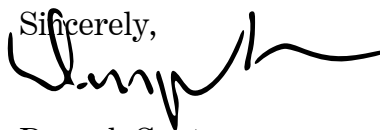
Scott S. Harris  
Clerk of the Court  
Supreme Court of the United States  
One First Street, NE  
Washington, DC 20543

Re: No. 18-1074, *Perryman v. Romero*

Dear Mr. Harris:

Respondent Provide Commerce has notified the Court that it has filed a Chapter 11 bankruptcy petition and that an automatic stay is now in effect, prohibiting the “commencement or continuation . . . of a judicial . . . action or proceeding against the debtor that was . . . commenced before” the Chapter 11 filing. 11 U.S.C. § 362(a)(1). Although this Court has not previously addressed the applicability of the automatic stay in this precise procedural posture, lower court cases suggest that the stay applies here. *See, e.g., Croyden Assocs. v. Alleco, Inc.*, 969 F.2d 675, 677 (8th Cir. 1992) (where a defendant sought protection under Chapter 11 during the pendency of an objector’s appeal from a class-action settlement, the automatic stay applied to the objector’s appeal with respect to that defendant).

The automatic stay does not prevent this Court from denying certiorari, however, and in fact provides yet another reason to do so—in addition to the many identified in our brief in opposition. In the past, this Court has routinely denied petitions following bankruptcy filings.<sup>1</sup> If certiorari were granted, on the other hand, “the automatic stay” would present a “procedural obstacle unrelated to the question presented” that the Court “would be required . . . to confront.” *DTD Enterprises, Inc. v. Wells*, 130 S. Ct. 7 (2009) (statement of Justice Kennedy, joined by the Chief Justice and Justice Sotomayor, respecting the denial of certiorari) (explaining denial of a petition following a bankruptcy filing where “Respondents contend that the present action comes within the scope of the automatic stay”). “Under these circumstances, it is best to deny the petition.” *Id.*

Sincerely,  


Deepak Gupta

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<sup>1</sup> *See, e.g., Stemtech Int’l, Inc. v. Leonard* (No. 16-928); *Heck-Dance v. Inversiones Isleta Marina, Inc.* (No. 11-1218); *Peterson Law Firm v. City of Los Angeles, Cal.* (No. 11-592); *Merritt v. R & R Capital LLC* (No. 11-333); *Brookshire Bros. Holding v. Dayco Prods., Inc.* (No. 08-1233); *McKnight v. Gen. Motors Corp.* (No. 08-1113); *Cody v. Gold Kist, Inc.* (No. 08-786); *Howell v. Fulmore* (No. 08-698); *DaimlerChrysler Corp. v. Flax* (No. 08-1010);