



07/07/2013

1 Professions Code section 17200, *et seq.*, Business & Professions Code section 17500, *et seq.* and  
2 Civil Code section 1750, *et seq.*, as set forth herein. Defendants made and continue to make false  
3 and misleading statements and omissions in their advertising of its floral assemblies and floral  
4 arrangements (hereinafter "floral arrangements"), a floral product depicted as a completed  
5 assembled product, but instead delivered as a do-it yourself kit in a box requiring assembly by the  
6 recipient. (hereinafter "Product").

7 2. Defendant falsely represents and does not adequately disclose and omits that, it delivers  
8 flowers arranged in a vase or similar container by way of its labeling, advertising, marketing, and  
9 packaging, when in fact, most, if not all, of the floral arrangements depicted on its website are  
10 delivered as a do-it yourself kit in a box requiring assembly by the recipient. Neither the description of  
11 the floral arrangement nor the confirmation at checkout mention or disclose that the floral arrangement  
12 is delivered as a do-it yourself kit requiring assembly by the recipient. Instead, the website infers that  
13 the flowers are delivered to the intended recipient in the exact same condition as depicted by the  
14 professionally designed floral arrangement photographs.

15 3. Defendants' product claims violate the California Consumers Legal Remedies Act,  
16 particularly California Civil Code sections 1770(a)(5) and 1770(a)(7). As such, Defendant has  
17 committed *per se* violations of Business & Professions Code section 17200, *et seq.*, Business &  
18 Professions Code section 17500, *et seq.* and Civil Code section 1750, *et seq.*

19 4. The claims misrepresent the effects and purported benefits of the Product. As such,  
20 Defendants have engaged in false and misleading advertising.

21 5. On January 21, 2013, Plaintiff Danny Sozzi served written notice to Defendant  
22 Provide Commerce, Inc. d/b/a PROFLOWERS, by certified mail pursuant to Civil Code section  
23 1750, *et seq.*, which set forth Plaintiffs' contentions concerning the Product's fraudulent  
24 advertising and demanded remedy and relief. (*See* Plaintiff's Letter to Defendant, dated January  
25 21, 2013, a true and correct copy of which is attached hereto as Exhibit 1.)

26 6. Defendant rejected Plaintiff's demand for remedy.

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1 JURISDICTION AND VENUE

2 7. This Court has jurisdiction over all causes of action asserted herein pursuant to the  
3 California Constitution, Article VI, section 10, because this case is a cause not given by statute to  
4 other trial courts.

5 8. Plaintiffs have standing to bring this action pursuant to Business & Professions  
6 Code section 17200, *et seq.*

7 9. Provide Commerce, Inc., d/b/a PROFLOWERS is a corporation organized and  
8 existing under the laws of the State of Delaware, with a principal place of business located at 4840  
9 Eastgate Mall, San Diego, California, 92121.

10 10. Defendant is subject to personal jurisdiction in California based upon sufficient  
11 minimum contacts which exist between it and California.

12 11. Venue is proper in this Court because Defendants receive substantial compensation  
13 from sales in Los Angeles County, and Defendants made numerous misrepresentations which had  
14 a substantial effect in Los Angeles County, including, but not limited to, print media, and internet  
15 advertisements, and on the Products' packaging and labeling.

16 PARTIES

17 12. Plaintiffs are, and at all times relevant hereto was, an individual residing in Los  
18 Angeles County, California. Plaintiffs purchased the Product over the internet in Los Angeles  
19 County. In doing so, Plaintiffs relied upon the advertising and other promotional material which  
20 were prepared and approved by Defendants and their agents and disseminated through its  
21 packaging, label, and national advertising media, containing the misrepresentations alleged herein  
22 and designed to encourage consumers to purchase the Product.

23 13. Defendant Provide Commerce, Inc, d/b/a PROFLOWERS is a corporation  
24 organized and existing under the laws of the State of Delaware, with a principal place of business  
25 located at 4840 Eastgate Mall, San Diego, California, 92121. Provide Commerce, Inc., d/b/a  
26 PROFLOWERS offers the Product for sale through various channels, including the internet and  
27 retailers throughout the nation, including the State of California. Provide Commerce Inc. d/b/a  
28 PROFLOWERS, directly and through its agents, has substantial contacts with and receives

07/07/2013

07/07/2013

1 substantial benefits and income from and through the State of California. Provide Commerce, Inc.,  
2 d/b/a PROFLOWERS is the owner and distributor of the Product and is the company that created  
3 and/or authorized the false, misleading, and deceptive advertisements and packaging for the  
4 Product

5 14. The true names and capacities, whether individual, corporate, associate or otherwise  
6 of certain manufacturers, distributors, and/or their alter egos sued herein as DOES 1 through 10  
7 inclusive are presently unknown to Plaintiffs who therefore sue these Defendants by fictitious  
8 names. Plaintiffs will seek leave of this Court to amend the Complaint to show their true names  
9 and capacities when the same have been ascertained. Plaintiffs are informed and believe and based  
10 thereon alleges that DOES 1 through 10 were authorized to do and did business in Los Angeles  
11 County. Plaintiffs are further informed and believe and based thereon alleges that DOES 1  
12 through 10 were and/or are, in some manner or way, responsible for and liable to Plaintiffs for the  
13 events, happenings, and damages hereinafter set forth below.

14 15. Plaintiffs are informed and believe and based thereon alleges that at all times  
15 relevant herein each of the Defendants was the agent, servant, employee, subsidiary, affiliate,  
16 partner, assignee, successor-in-interest, alter ego, or other representative of each of the remaining  
17 Defendants and was acting in such capacity in doing the things herein complained of and alleged.

18 16. In committing the wrongful acts alleged herein, Defendants planned and  
19 participated in and furthered a common scheme by means of false, misleading, deceptive, and  
20 fraudulent representations to induce members of the public to purchase the Product. Defendants  
21 participated in the making of such representations in that each did disseminate or cause to be  
22 disseminated said misrepresentations.

23 17. Defendants, upon becoming involved with the manufacture, distribution,  
24 advertising, marketing, and sale of the Product, knew or should have known that the  
25 representations about the Product and, in particular, the Product consumers would receive was  
26 false. Defendants affirmatively misrepresented the Product, as set forth herein, in order to  
27 convince the public to purchase and use the Product, resulting in profits of hundreds of thousands  
28 of dollars or more to Defendants, all to the damage and detriment of the consuming public. Thus,

1 in addition to the wrongful conduct herein alleged as giving rise to primary liability, Defendants  
2 further aided and abetted and knowingly assisted each other in breach of their respective duties and  
3 obligations as herein alleged.

4 **FACTS AND DEFENDANTS' COURSE OF CONDUCT**

5 18. Provide Commerce, Inc., d/b/a PROFLOWERS through its website,  
6 www.proflowers.com, offers an enormous variety of professionally designed floral arrangements.  
7 In fact, Provide Commerce, Inc. takes pride in offering some of the most stunning floral  
8 arrangements that a consumer can buy. A reasonable consumer expects that their order will ship to  
9 its intended recipient in the same or even similar manner as depicted by the photographs on its  
10 website.

11 19. Provide Commerce, Inc., d/b/a PROFLOWERS engages in marketing campaigns  
12 that suggest that its floral arrangements are designed by its floral designers, with thoughtful,  
13 imaginative, and fun themes. It goes so far as to contend that each bouquet is carefully crafted to  
14 invoke the sentiments one wishes to convey to its intended recipient. These "snake oil salesmen"  
15 engage in marketing campaigns that suggest to vulnerable consumers the Product it is selling is  
16 something it is not. More specifically, the flower arrangements depicted on their website, including  
17 but not limited to arrangements to be purchased and delivered for Valentine's Day, Mother's Day,  
18 birthdays, and other special occasions do not arrive to the recipient arranged at all. Instead, they  
19 arrive wrapped in plastic, in a box, requiring an inexperienced consumer recipient to act as a  
20 trained and skilled floral designer and assemble the do-it yourself kit. Defendant conceals and does  
21 not properly disclose that the flower arrangements are not delivered in the form and manner  
22 advertised and or that the purchaser or recipient of the Product will be required to assemble the  
23 Product.

24 20. During the course of their false, misleading, and deceptive advertising campaign,  
25 Defendants have sold hundreds of thousands of units or more of the Product based upon  
26 Defendants' false promises. Plaintiff and the Class have suffered injury in fact and have lost  
27 money as a result of Defendants' false representations.  
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07/07/2013

1 CLASS ACTION ALLEGATIONS

2 21. Plaintiffs bring this action on their own behalf and on behalf of all other person  
3 similarly situated. The Class which Plaintiffs seek to represent comprises:

4 All persons who purchased the Product in the State of California  
5 for personal use and not for resale during the time period of June 4,  
6 2009 through the present. Excluded from the Class are  
7 Defendants' officers, directors, and employees.

8 Said definition may be further defined or amended by additional pleadings, evidentiary hearings, a  
9 class certification hearing, and orders of this Court.

10 22. The Class is comprised of many thousands of persons throughout the State of  
11 California. The class is so numerous that joinder of all members is impracticable and the  
12 disposition of their claims in a class action will benefit the parties and the Court.

13 23. There is a well-defined community of interest in the questions of law and fact  
14 involved affecting the parties to be represented. The representations and omissions made by  
15 Defendants are consistent and uniform and are contained in advertisements and on the website  
16 that to all members of the Class were exposed. The questions of law and fact common to the Class  
17 predominate over questions which may affect individual Class members. Common questions of  
18 law and fact include, but are not limited to, the following:

- 19 a. Whether Defendants' conduct is an unlawful business act or practice within the  
20 meaning of Business and Professions Code section 17200, *et seq.*;
- 21 b. Whether Defendants' conduct is a fraudulent business act or practice within the  
22 meaning of Business and Professions Code section 17200, *et seq.*;
- 23 c. Whether Defendants' advertising is untrue or misleading within the meaning of  
24 Business and Professions Code section 17500, *et seq.*;
- 25 d. Whether Defendants made false and misleading representations in their advertising  
26 and labeling of the Product;
- 27 e. Whether Defendants knew or should have known that the representations were  
28 false; and

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f. Whether Defendants represented that the Product have characteristics, benefits, uses, or quantities which it does not have.

24. Plaintiffs' claims are typical of the claims of the proposed Class, as the representations and omissions made by Defendants are consistent and uniform and are contained in advertisements that all members of the Class were exposed to. Thus, there exists a presumption that all Class members relied upon said uniform and consistent advertising and representations to their detriment. Plaintiffs will fairly and adequately represent and protect the interests of the proposed Class. Plaintiffs have retained competent and experienced counsel in class action and other complex litigation.

25. Plaintiffs and the Class have suffered injury in fact and have lost money as a result of Defendants' false, deceptive, and misleading representations.

26. The Product as purchased by the Plaintiffs and the Class were and are unsatisfactory and worth less than the amount paid for.

27. Plaintiffs would not have purchased the Products but for the representations by Defendants about the Product.

28. The Class is identifiable and readily ascertainable. Notice can be provided to such purchasers using techniques and a form of notice customarily used in class actions, such as by direct mail based on Defendants' business records, internet publication, radio, newspapers, and magazines.

29. A class action is superior to other available methods for fair and efficient adjudication of this controversy. The expense and burden of individual litigation would make it impracticable or impossible for proposed members of the Class to prosecute their claims individually.

30. The trial and the litigation of Plaintiffs' claims are manageable.

31. Defendants have acted on grounds common and applicable to the entire Class, thereby making final injunctive relief and/or corresponding declaratory relief appropriate with respect to the Class as a whole. The prosecution of separate actions by individual Class members

07/07/2013

1 would create the risk of inconsistent or varying adjudications with respect to individual member of  
2 the Class that would establish incompatible standards of conduct for Defendants.

3 32. Absent a class action, Defendants will retain the benefits of their wrongdoing.  
4 Because of the small size of the individual Class members' claims, few, if any, Class members  
5 could afford to seek legal redress for the wrongs complained of herein. Absent a representative  
6 action, the Class members will continue to suffer losses and Defendants will be allowed to  
7 continue these violations of law and to retain the proceeds of their ill-gotten gains.

8 **FIRST CAUSE OF ACTION**

9 **FALSE AND MISLEADING ADVERTISING IN VIOLATION OF BUSINESS &**

10 **PROFESSIONS CODE § 17200, et seq.**

11 **(By Plaintiffs against all Defendants)**

12 33. Plaintiffs' repeat and reallege the allegations set forth in the preceding paragraphs  
13 and incorporates the same as if set forth herein at length.

14 34. This cause of action is brought pursuant to Business and Professions Code section  
15 17200, *et seq.*, on behalf of Plaintiffs and a Class consisting of all persons residing in the State of  
16 California who purchased the Product for personal use and not for resale.

17 35. Defendants in their advertising and packaging of the Product make false and  
18 misleading statements and omissions regarding the Product, as set forth in the above.

19 36. Defendants are aware the Product does is not as set forth in Defendants'  
20 advertising.

21 37. Defendants knew that the claims that they made and continue to make about the  
22 Product are false and misleading.

23 38. As alleged in the preceding paragraphs, the misrepresentations and omissions by  
24 Defendants of the material facts detailed above constitute an unfair, unlawful, and fraudulent  
25 business practice within the meaning of California Business & Professions Code section 17200.

26 39. In addition, Defendants' use of various forms of advertising media to advertise, call  
27 attention to, or give publicity to the sale of goods or merchandise which are not as represented in  
28 any manner constitutes unfair competition, unfair, deceptive, untrue or misleading advertising, and



07/07/2013

1 an unlawful business practice within the meaning of Business & Professions Code sections 17200  
2 and 17531, which advertisements have deceived and are likely to deceive the consuming public, in  
3 violation of Business & Professions Code section 17200.

4 40. There were reasonably available alternatives to further Defendants' legitimate  
5 business interests, other than the conduct described herein.

6 41. All of the conduct alleged herein occurs and continues to occur in Defendants'  
7 business. Defendants' wrongful conduct is part of a pattern or generalized course of conduct  
8 repeated on thousands of occasions daily.

9 42. Pursuant to Business & Professions Code sections 17203 and 17535, Plaintiffs and  
10 the members of the Class seek an order of this Court enjoining Defendants from continuing to  
11 engage, use, or employ their practice of advertising the sale and use of the Product. Likewise,  
12 Plaintiffs and the members of the Class seek an order requiring Defendants to disclose such  
13 misrepresentations, and additionally request an order awarding Plaintiffs and the Class restitution  
14 of the money wrongfully acquired by Defendants by means of Defendants' failure to disclose the  
15 existence and significance of said misrepresentations.

16 43. Plaintiffs and the Class have suffered injury in fact and have lost money or property  
17 as a result of Defendants' false representations.

18 44. The Product as purchased by the Plaintiffs and the Class were and are  
19 unsatisfactory and worth less than the amount paid for.

20 45. Plaintiffs would not have purchased the Product but for the representations and  
21 omissions by Defendants about the Product.

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23 **SECOND CAUSE OF ACTION**

24 **FALSE AND MISLEADING ADVERTISING IN VIOLATION OF BUSINESS &**

25 **PROFESSIONS CODE § 17500, et seq.**

26 **(By Plaintiffs against all Defendants)**

27 46. Plaintiffs repeat and reallege the allegations set forth in the preceding paragraphs  
28 and incorporates the same as if set forth herein at length.

1           47.    This cause of action is brought pursuant to Business and Professions Code section  
2 17500, *et seq.*, on behalf of Plaintiffs and the Class consisting of all persons residing in the State of  
3 California who purchased the Product for personal use and not for resale.

4           48.    In its advertising of the Product, Defendants knowingly make false and misleading  
5 statements and omissions regarding the ingredients, flavor and benefits of the Product, as set forth  
6 in the examples above.

7           49.    Defendants are aware the Product is not as set forth in Defendants' advertising.

8           50.    Defendants knew that the claims and omissions that they made and continue to  
9 make about the Product are false misleading.

10          51.    Plaintiffs would not have purchased the Products but for the representations and  
11 omissions by Defendants about the Product.

12          52.    Plaintiffs and the Class have suffered injury in fact and have lost or property as a  
13 result of Defendants' false representations.

14          53.    The Products as purchased by the Plaintiffs and the Class were and are  
15 unsatisfactory and worth less than the amount paid for.

16          54.    As alleged in the preceding paragraphs, the misrepresentations by Defendants of the  
17 material facts detailed above constitutes an unfair, unlawful, and fraudulent business practice  
18 within the meaning of California Business & Professions Code section 17500.

19          55.    In addition, Defendants' use of various forms of advertising media to advertise, call  
20 attention to, or give publicity to the sale of goods or merchandise which are not as represented in  
21 any manner constitutes unfair competition, unfair, deceptive, untrue or misleading advertising, and  
22 an unlawful business practice within the meaning of Business & Professions Code sections 17200  
23 and 17531, which advertisements have deceived and are likely to deceive the consuming public, in  
24 violation of Business & Professions Code section 17500.

25          56.    Pursuant to Business & Professions Code sections 17203 and 17535, Plaintiff and  
26 the members of the Class seek an order of this Court enjoining Defendants from continuing to  
27 engage, use, or employ their practice of advertising the sale and use of the Product. Likewise,  
28 Plaintiffs and the members of the Class seek an order requiring Defendants to disclose such

07/07/2013

1 misrepresentations, and additionally request an order awarding Plaintiff and the Class restitution of  
2 the money wrongfully acquired by Defendants by means of responsibility attached to Defendants'  
3 failure to disclose the existence and significance of said misrepresentations.

4 **THIRD CAUSE OF ACTION**

5 **VIOLATION OF CALIFORNIA CIVIL CODE § 1750, et seq.**

6 **(By Plaintiffs against all Defendants)**

7 57. Plaintiffs repeat and reallege the allegations set forth in the preceding paragraphs  
8 and incorporates the same as if set forth herein at length.

9 58. This cause of action is brought pursuant to Civil Code section 1750, *et seq.*, the  
10 Consumers Legal Remedies Act, on behalf of Plaintiffs and a Class consisting of all persons  
11 residing in the State of California who purchased the Product for personal use and not for resale.

12 59. The Class consists of thousands of persons, the joinder of whom, is impracticable.

13 60. There are questions of law and fact common to the class, which questions are  
14 substantially similar and predominate over questions affecting the individual members, including  
15 but not limited to: (a) Whether Defendants represented that the Product has characteristics,  
16 benefits, uses, or quantities which it does not have; (b) Whether the existence, extent, and  
17 significance of the major misrepresentations regarding the purported benefits, characteristics, and  
18 efficacy of the Product violate the Act.

19 61. The policies, acts, and practices heretofore described were intended to result in the  
20 sale of the Product to the consuming public, particularly those interested in health or flavor relating  
21 to the Product, and violated and continue to violate section 1770(a)(5) of the Act by representing  
22 that the Product has characteristics, benefits, uses, or quantities which it does not have.

23 62. Defendants fraudulently deceived Plaintiffs and the Class by representing that the  
24 Product has certain characteristics, benefits, uses, and qualities which it does not have. In doing  
25 so, Defendants intentionally misrepresented, concealed and did not properly disclose material facts  
26 from Plaintiffs and the Class, specifically that the Product has characteristics that it does not have.  
27 Said misrepresentations and omissions deceived Plaintiffs and the Class and depriving them of  
28 their legal rights and money.

07/07/2013

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1 63. Defendants' actions as described hereinabove were done with conscious disregard  
2 of Plaintiffs' rights, and Defendants were wanton and malicious in their concealment of same.

3 64. Plaintiffs and the Class have suffered injury in fact and have lost or property as a  
4 result of Defendants' false representations.

5 65. The Product as purchased by the Plaintiffs and the Class was and is unsatisfactory  
6 and worth less than the amount paid for.

7 66. Plaintiffs would not have purchased the Product but for the representations by  
8 Defendants about the products.

9 67. Pursuant to section 1780(a) of the Act, Plaintiffs seek injunctive relief in the form  
10 of an order enjoining the above-described wrongful acts and practices of Defendants, including,  
11 but not limited to, an order:

12 A. Enjoining Defendants from continuing to make the statements set forth  
13 above;

14 B. Enjoining Defendants from continuing to offer for sale any unit of the  
15 Product that contains any false, misleading, and/or undisclosed material fact  
16 in its advertising, including, without limitation, those statements and  
17 omissions set forth above;

18 C. Enjoining Defendants from continuing to use the website and advertising  
19 that it presently uses for the Product; and

20 D. Enjoining Defendants from distributing such false advertising and  
21 misrepresentations.

22 68. Plaintiffs shall be irreparably harmed if such an order is not granted.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiffs, individually and on behalf of all others similarly situated, prays  
25 for judgment and relief on all Causes of Action as follows:

26 **FOR FIRST AND SECOND CAUSES OF ACTION:**

27 A. An order certifying that the action may be maintained as a Class Action;  
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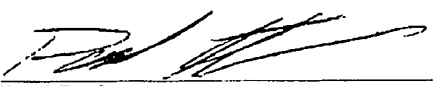
- B. For an award of restitutionary damages in an amount according to proof at trial;
- C. An order enjoining Defendants from pursuing the policies, acts, and practices complained of herein and requiring Defendants to pay restitution to Plaintiff and all members of the Class;
- D. For pre-judgment interest from the date of filing this suit;
- E. Reasonable attorney fees;
- F. Costs of this suit; and
- G. Such other and further relief as the Court may deem necessary or appropriate.

FOR THIRD CAUSE OF ACTION:

- A. An order certifying that the action may be maintained as a Class Action;
- B. An order enjoining Defendants from pursuing the policies, acts, and practices complained of;
- C. For pre-judgment interest from the date of filing this suit;
- D. Reasonable attorney fees;
- E. Costs of this suit; and
- F. Such other and further relief as the Court may deem necessary or appropriate.

DATED: July 1, 2013

MILSTEIN ADELMAN LLP

By:   
 Paul D. Stevens  
 Raquel A. Flaherty  
 Sarah L. Gough  
 Attorneys for Plaintiffs Danny Sozzi and  
 Brett Long

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**JURY TRIAL DEMANDED**

Plaintiff demands a jury trial on all triable issues.

DATED: July 1, 2013

MILSTEIN ADELMAN, LLP

By:



Paul D. Stevens  
Raquel A. Flaherty  
Sarah L. Gough  
Attorneys for Plaintiffs Danny Sozzi and  
Brett Long

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>MILSTEIN ADELMAN, LLP</b> Paul D. Stevens, State Bar No. 207107; Raquel A. Flaherty, State Bar. No. 237804 2800 Donald Douglas Loop North Santa Monica, California 90405 TELEPHONE NO.: (310) 396-9600 FAX NO.: (310) 396-9635 ATTORNEY FOR (Name): <b>DANNY SOZZI and BRETT LONG</b>		FOR COURT USE ONLY  <b>FILED</b> LOS ANGELES SUPERIOR COURT  JUL 01 2013  JONNY A. CLARKE, CLERK BY <i>[Signature]</i> DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Los Angeles</b> STREET ADDRESS: <b>111 N. Hill Street</b> MAILING ADDRESS: <b>111 N. Hill Street</b> CITY AND ZIP CODE: <b>Los Angeles, 90012</b> BRANCH NAME: <b>Los Angeles County Superior Court</b>		
CASE NAME: <b>Danny Sozzi and Brett Long v. PROVIDE COMMERCE, INC.,</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: <b>BC513925</b>  JUDGE:  DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
<b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	<b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	<b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20)
<b>Non-PI/PD/WD (Other) Tort</b> <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	<b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	<b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
<b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a.  Large number of separately represented parties      d.  Large number of witnesses  
 b.  Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve      e.  Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
 c.  Substantial amount of documentary evidence      f.  Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary      b.  nonmonetary; declaratory or injunctive relief      c.  punitive

4. Number of causes of action (specify): **Three (3)**

5. This case  is  is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 1, 2013  
Paul D. Stevens  
(TYPE OR PRINT NAME)

*[Signature]*  
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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ORIGINAL

SHORT TITLE: Danny Sozzi and Brett Long v. Provide Commerce, Inc.,	CASE NUMBER BC513925
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**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:  
 JURY TRIAL?  YES CLASS ACTION?  YES LIMITED CASE?  YES TIME ESTIMATED FOR TRIAL <sup>10</sup>  HOURS/  DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

**Step 3:** In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

- |  |  |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle.    |
| 2. May be filed in central (other county, or no bodily injury/property damage).  | 7. Location where petitioner resides.                      |
| 3. Location where cause of action arose.   | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred.                       | 9. Location where one or more of the parties reside.       |
| 5. Location where performance required or defendant resides.                     | 10. Location of Labor Commissioner Office                  |

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

**FXAED**

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.	
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.	
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.	
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.	

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SHORT TITLE: <b>Danny Sozzi and Brett Long v. Provide Commerce, Inc.,</b>	CASE NUMBER
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Non-Personal Injury/ Property Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2.,3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2., 5.
	<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2., 5.
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation      Number of parcels_____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
	<input type="checkbox"/> A6032 Quiet Title	2., 6.
	<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

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SHORT TITLE:

Danny Sozzi and Brett Long v. Provide Commerce, Inc.,

CASE NUMBER

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.		
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.		
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.	
Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
		<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
		<input type="checkbox"/> A6190 Election Contest	2.
		<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.
		<input type="checkbox"/> A6100 Other Civil Petition	2., 9.

SHORT TITLE: Danny Sozzi and Brett Long v. Provide Commerce, Inc.,	CASE NUMBER
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**Item III. Statement of Location:** Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

<b>REASON:</b> Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.  <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS:
CITY:	STATE:	ZIP CODE:	

**Item IV. Declaration of Assignment:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subs. (b), (c) and (d)].

Dated: July 1, 2013

  
 (SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

10/01/2013