

Exhibit A

FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT,
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

Michael Fridman
Plaintiff

Case # _____
Judge _____

vs.

1-800-Flowers.com, Inc., 800-Flowers, Inc.
Defendant

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim, rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes only. The amount of the claim shall not be used for any other purpose.

- \$8,000 or less
- \$8,001 - \$30,000
- \$30,001- \$50,000
- \$50,001- \$75,000
- \$75,001 - \$100,000
- over \$100,000.00

III. TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

CIRCUIT CIVIL

- Condominium
- Contracts and indebtedness
- Eminent domain
- Auto negligence
- Negligence—other
 - Business governance
 - Business torts
 - Environmental/Toxic tort
 - Third party indemnification
 - Construction defect
 - Mass tort
 - Negligent security
 - Nursing home negligence
 - Premises liability—commercial
 - Premises liability—residential
- Products liability
- Real Property/Mortgage foreclosure
 - Commercial foreclosure
 - Homestead residential foreclosure
 - Non-homestead residential foreclosure
 - Other real property actions
- Professional malpractice
 - Malpractice—business
 - Malpractice—medical
 - Malpractice—other professional
- Other
 - Antitrust/Trade regulation
 - Business transactions
 - Constitutional challenge—statute or ordinance
 - Constitutional challenge—proposed amendment
 - Corporate trusts
 - Discrimination—employment or other
 - Insurance claims
 - Intellectual property
 - Libel/Slander
 - Shareholder derivative action
 - Securities litigation
 - Trade secrets
 - Trust litigation

COUNTY CIVIL

- Small Claims up to \$8,000
- Civil
- Real property/Mortgage foreclosure

- Replevins
- Evictions
 - Residential Evictions
 - Non-residential Evictions
- Other civil (non-monetary)

COMPLEX BUSINESS COURT

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes No

IV. REMEDIES SOUGHT (check all that apply):

- Monetary;
- Nonmonetary declaratory or injunctive relief;
- Punitive

V. NUMBER OF CAUSES OF ACTION: []

(Specify)

3

VI. IS THIS CASE A CLASS ACTION LAWSUIT?

- yes
- no

VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- no
- yes If “yes,” list all related cases by name, case number, and court.

VIII. IS JURY TRIAL DEMANDED IN COMPLAINT?

- yes
- no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature: s/ Avi Kaufman
Attorney or party

Fla. Bar # 84382
(Bar # if attorney)

Avi Kaufman
(type or print name)

04/02/2021
Date

**IN THE CIRCUIT COURT OF
THE ELEVENTH JUDICIAL CIRCUIT,
IN MIAMI-DADE COUNTY, FLORIDA**

**MICHAEL FRIDMAN, individually and
on behalf of all those similarly situated,**

Plaintiff,

Case No.:

v.

**1-800-FLOWERS.COM, INC., and
800-FLOWERS, INC.,**

Defendants.

/

CLASS ACTION COMPLAINT

Plaintiff, Michael Fridman, appearing both individually and on behalf of all others similarly situated, by and through his attorneys, brings this class action against Defendants, 1-800-FLOWERS.COM, Inc. and 800-Flowers, Inc., based upon personal knowledge as to his own acts and experiences and, as to all other matters, based upon information and belief, including the investigation conducted by his counsel, and alleges as follows:

NATURE OF THE ACTION

1. This is a class action under the Florida Security of Communications Act, Fla. Stat. § 934.01, *et seq.* (“FSCA”), against Defendants, 1-800-FLOWERS.com, Inc. (“Flowers Parent”) and 800-Flowers, Inc. (“Flowers Subsidiary”) (collectively, “Defendants” or “1-800-Flowers”), arising from Defendants’ unlawful interception—or “wiretapping”—of Plaintiff’s and Class Members’ electronic communications with Defendants’ websites, including 1800Flowers.com, 1-

800-Flowers.com, and all other websites for “Affiliated Brands” owned by Defendants (the “Websites”).¹

2. Specifically, Defendants use wiretaps, which are embedded in the computer code on the Websites, to intercept Plaintiff’s and Class Members’ electronic communications with Defendants’ Websites.

3. To accomplish this wiretapping, Defendants use tracking, recording, and/or “session replay” software to secretly observe and record Plaintiff’s and Class Members’ electronic communications with the Websites, including their keystrokes, mouse movements and clicks, information inputted into the Websites, and/or pages and content viewed on the Websites.

4. Defendants intercepted or allowed for the interception of the electronic communications at issue without the knowledge or prior consent of Plaintiff and the Class Members, for their own financial gain.

5. By doing so, Defendants have invaded Plaintiff’s and Class Members’ privacy rights under Florida Law and violated the FSCA, Fla. Stat. §§ 934.03 and 934.04. Defendants have caused Plaintiff and Class Members to suffer injuries as a result of invading their privacy and/or exposing their private information.

6. Through this action, Plaintiff seeks injunctive relief to halt Defendants’ unlawful wiretapping. Plaintiff additionally seeks damages as set forth by the FSCA on behalf of Plaintiff

¹ Defendants own and operate numerous websites that share identical terms and policies and use the same wiretapping software. Defendants’ “Affiliated Brands” include: 0800Flowers.com®; 1-800-Flowers.com®; 1-800-Baskets.com®; Bloomnet®; Celebrations®; Cheryl’s Cookies®; Conroy’s®; Conroy’s Flowers®; Cushman’s®; DesignPac®; Florists.comsmSM; Flowerama®; Fruit Bouquets.com®; Goodsey®; Harry & David®; Moose Munch®; Mrs. Beasley’s®; NapcoSM; Personalization MallTM; Personalization Universe®; Plants.comSM; Simply Chocolate®; The Popcorn Factory®; Stock Yards®; Shari’s Berries®; Wolferman’s BakerySM.

and the Class Members, and any other available legal or equitable remedies resulting from the actions of Defendants described herein.

THE PARTIES

7. Plaintiff, Michael Fridman (“Plaintiff” or “Fridman”), is a citizen and resident of Miami-Dade County, Florida.

8. Upon information and belief, Defendant 1-800-FLOWERS.COM, Inc. is a corporation formed under the laws of the State of Delaware and headquartered in Carle Place, New York. 1-800-FLOWERS.COM, Inc. is an e-commerce provider of floral products and gifts.

9. Upon information and belief, Defendant 800-Flowers, Inc. is a corporation formed under the laws of the State of New York and headquartered in Carle Place, New York, and a wholly owned subsidiary of 1-800-FLOWERS.COM, Inc.

10. Defendants offer a wide range of gifts to customers in the United States, including in Florida, that can be purchased online on their Websites or via toll-free telephone numbers.

11. Defendants own and operate 1800Flowers.com, 1-800-Flowers.com, and the websites for Defendants’ Affiliated Brands. Defendants conduct substantial and not isolated activity and business in Florida.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction pursuant to Florida Rule of Civil Procedure 1.220 and Fla. Stat. § 26.012(2). The matter in controversy exceeds the sum or value of \$30,000, exclusive of interest, costs, and attorneys’ fees.

13. Defendants are subject to personal jurisdiction in Florida because this suit arises out of and relates to Defendants’ contacts with Florida. Plaintiff and Class Members used the Websites in Florida. Defendants’ unlawful interception of those electronic communications

without the consent of Plaintiff and Class Members therefore occurred in Florida, and Plaintiff and Class Members were injured by Defendants' acts while residing and physically present in Florida.

14. Venue for this action is proper in this Court because all facts giving rise to this action occurred in this Circuit.

STATEMENT OF FACTS

Wiretapping via Session Replay Software

15. At all relevant times herein, Defendants have engaged ForeSee Session Replay, Inc. ("ForeSee"), a marketing software-as-a-service ("SaaS") company, to provide marketing analytics software for their Websites.

16. ForeSee is a Delaware corporation with its principal place of business in Ann Arbor, Michigan.

17. ForeSee develops, owns, and markets a software that provides marketing analytics, which is used by Defendants on their Websites.

18. ForeSee software provides a feature called "ForeSee® Replay," which purports to help businesses improve their website design and customer experience. ForeSee operates on both desktop and mobile devices.

19. ForeSee® Replay is accomplished by JavaScript—client-side recording. It captures consumer-rendered HTML and the active states, mouse interactions, and keystrokes on a given webpage. It combines this data into a single recording that can recreate any individual webpage visitor's experience—including that visitor's ordering and purchasing experience. ForeSee touts that, "[w]ith digital replays, you can instantly see what visitors experienced."

20. Through ForeSee® Replay, ForeSee records a website user's interactions and transmits that information to ForeSee's recording servers. ForeSee then makes the information available to its clients.

21. ForeSee's technology is not only highly intrusive, but dangerous. A 2017 study by Princeton University found that session recording technologies like ForeSee® Replay were collecting sensitive user information such as passwords and credit card numbers. The research notes that this wasn't simply the result of a bug, but rather insecure practices. Thus, technologies such as ForeSee® Replay leave users vulnerable to data leaks and the harm resulting therefrom.

22. ForeSee's enters into voluntary partnerships with various companies and provides their software to customers.

23. One of ForeSee's customers is 1-800-Flowers.

24. Defendants have installed and utilize ForeSee's software on their Websites for the purpose of capturing information about visitors on their Websites.

25. Defendants know that ForeSee's software captures the keystrokes, mouse clicks, and other communications of visitors to their Websites, and pays ForeSee to supply that information.

26. Upon information and belief, pursuant to an agreement with ForeSee, Defendants enabled ForeSee's software by intentionally embedding ForeSee's software code on the Websites.

27. As currently deployed, ForeSee's software, as employed by Defendants, functions as a wiretap.

**Defendants Wiretapped or Facilitated the Wiretap of
Plaintiff's and Class Members' Electronic Communications**

28. On or around January 25, 2021, Plaintiff visited 1800Flowers.com.

29. During Plaintiff's visit to the website, Plaintiff placed an order for flowers to be delivered to a recipient in Westminster, Colorado.

30. During that visit, and upon information and belief, the ForeSee® Replay feature in ForeSee's software as embedded on Defendants' website created a video capturing each of

Plaintiff's keystrokes and mouse clicks on the website. The ForeSee wiretap used by Defendants also captured the date and time of the visit, the duration of the visit, Plaintiff's IP address, his location at the time of the visit, his browser type, and the operating system on his device.

31. Class Members share a similar narrative, and each experienced the interception of their electronic communications while visiting Defendants' Websites because of the ForeSee software acting as a wiretap.

32. Defendants' and ForeSee's tracking and recording of keystrokes, mouse clicks, data entry, and other electronic communications begins the moment a visitor first accesses or interacts with Defendants' Websites.

33. When visitors access the Websites and make a purchase, they enter personally identifiable information ("PII"). ForeSee's software captures these electronic communications throughout each step of the process.

34. ForeSee's software captures, among other things:

- (a) The visitor's mouse clicks;
- (b) The visitor's keystrokes;
- (c) The visitor's email address;
- (d) The visitor's shipping and billing address;
- (e) The visitor's payment card information, including card number, expiration date, and CVV code;
- (f) The gift recipient's name and address;
- (g) The visitor's IP address;
- (h) The visitor's location at the time of the visit; and
- (i) The visitor's browser type and the operating system on their devices.

35. Crucially, Defendants do not ask visitors, including Plaintiff and Class Members, whether they consent to being wiretapped by Defendants and ForeSee. Visitors are never actively told that their electronic communications are being wiretapped by Defendants and ForeSee.

36. Further, Defendants' privacy policy is located at the very bottom of the Websites' home pages with no notice directing visitors to the privacy policy, *i.e.*, the hyperlink to the privacy policy functions as browserwrap. Additionally, Defendants began recording visitors before any purported disclosure was made *after* the wiretap had already begun.

37. Moreover, visitors are not on notice of the hyperlink to the privacy policy when they select to place an order, or at any other time during their visit to the Websites.

38. Therefore, visitors like Plaintiff and Class Members never agree or are never given the option to agree to the privacy policy when using the Website, nor are they on notice of the privacy policy.

39. Even if visitors do agree to the privacy policy by using the Websites or otherwise—and they do not for the reasons stated above—Defendants do not mention ForeSee or its ForeSee® Replay software (such as by disclosing that visitors will have their mouse clicks and keystrokes recorded in real time) in the Websites' privacy policy. As such, visitors do not agree to be wiretapped even if they agree to the privacy policy.

40. Plaintiff and Class Members did not consent to being wiretapped on the Websites, nor to having their communications recorded and shared with ForeSee and Defendants. Any purported consent that was obtained was ineffective because (i) the wiretapping began from the moment Plaintiff and Class Members accessed the Websites; (ii) the privacy policy did not explicitly disclose the wiretapping or ForeSee; and (iii) the hyperlink to the privacy policy is inconspicuous and therefore insufficient to provide notice.

CLASS REPRESENTATION ALLEGATIONS

41. Plaintiff seeks to represent a class of similarly situated individuals pursuant to Florida Rule of Civil Procedure 1.220(b)(2) and (b)(3), consisting of:

Florida residents who visited the Websites, and whose electronic communications were intercepted or recorded by ForeSee on behalf of Defendants, without their prior consent (the “Class” or “Class Members”).

42. Defendants and its employees or agents are excluded from the Class. Plaintiff reserves the right to modify or amend the Class definitions, as appropriate, during the course of this litigation.

43. Plaintiff brings all claims in this action individually and on behalf of Class Members against Defendants.

Numerosity

44. Members of the Class are so numerous that their individual joinder is impracticable.

45. On information and belief, Members of the Class number in the thousands.

46. The precise number of Class Members and their identities are unknown to Plaintiff at this time but may be determined through discovery.

47. Class Members may be notified of the pendency of this action by mail and/or publication through the distribution records of Defendants.

Commonality

48. Common questions of law and fact exist as to all Class Members and predominate over questions affecting only individual Class Members.

49. Common legal and factual questions include, but are not limited to, whether Defendants have violated the Florida Security of Communications Act (“FSCA”), Fla. Stat. §§

934.03 and 934.04, and invaded Plaintiff's privacy rights in violation of Florida law; and whether Class Members are entitled to actual and/or statutory damages for the aforementioned violations.

Typicality

50. The claims of the named Plaintiff are typical of the claims of the Class because the named Plaintiff, like all other Class Members, visited one of Defendants' Websites and had his electronic communications intercepted and disclosed to ForeSee and Defendants through the use of ForeSee's wiretaps on Defendants' website.

Adequacy of Representation

51. Plaintiff is an adequate representative of the Class because his interests do not conflict with the interests of the Class Members he seeks to represent, he has retained competent counsel experienced in prosecuting class actions, and he intends to prosecute this action vigorously.

52. The interests of Class Members will be fairly and adequately protected by Plaintiff and his counsel.

Superiority

53. The class mechanism is superior to other available means for the fair and efficient adjudication of the claims of Class Members.

54. Many of the Class Members likely lack the ability and/or resources to undertake the burden and expense of individually prosecuting what may be a complex and extensive action to establish Defendants' liability.

55. Individualized litigation increases the delay and expense to all parties and multiplies the burden on the judicial system. This strain on the parties and the judicial system would be heightened in this case, given the complex legal and factual issues at play.

56. Individualized litigation also presents a potential for inconsistent or contradictory judgments.

57. In contrast, the class action device presents far fewer management difficulties and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single court on the issue of Defendants' liability.

58. Class treatment of the liability issues will ensure that all claims and claimants are before this Court for consistent adjudication of the liability issues.

COUNT I

Violation of the Florida Security of Communications Act, Fla. Stat. § 934.03

59. Plaintiff repeats and incorporates the allegations set forth in paragraphs 1 through 58 as if fully set forth herein.

60. Plaintiff brings this claim individually and on behalf of the Class Members against Defendants.

61. To establish liability under Fla. Stat. § 934.03, captioned "Interception and disclosure of wire, oral, or electronic communications prohibited," a plaintiff need only establish that a defendant:

(a) Intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire, oral, or electronic communication;

(b) Intentionally uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when:

1. Such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or

2. Such device transmits communications by radio or interferes with the transmission of such communication;

(c) Intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection;

(d) Intentionally uses, or endeavors to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection; or

(e) Intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication intercepted by means authorized by subparagraph (2)(a)2., paragraph (2)(b), paragraph (2)(c), s. 934.07, or s. 934.09 when that person knows or has reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, has obtained or received the information in connection with a criminal investigation, and intends to improperly obstruct, impede, or interfere with a duly authorized criminal investigation.

Fla Stat. § 934.03(1).

62. Pursuant to Fla. Stat. § 934.02, “‘Electronic communication’ means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system that affects intrastate, interstate, or foreign commerce[,]” such as through the internet.

63. At all relevant times, ForeSee’s software, including the ForeSee® Replay feature, was intentionally used by Defendants to intercept, endeavor to intercept, use, endeavor to use, disclose, and/or endeavor to disclose Plaintiff’s and Class Members’ electronic communications.

64. At all relevant times, by using ForeSee’s technology, Defendants willfully and without the consent of all parties to the communication, in an unauthorized manner, read or

attempted to read or learn the contents or meaning of electronic communications of Plaintiff and Class Members, while the electronic communications were in transit or passing over any wire, line, or cable, or were being sent from or received at any place within Florida.

65. Defendants aided, agreed with, and conspired to implement ForeSee's technology and to accomplish the wrongful conduct at issue here.

66. Plaintiff and Class Members did not consent to any of Defendants' actions in implementing ForeSee's wiretaps on the Websites. Nor have Plaintiff or Class Members consented to Defendants' intentional access, interception, reading, learning, recording, and collection of Plaintiff and Class Members' electronic communications.

67. The violation of Fla. Stat. § 934.03 constitutes an invasion of privacy sufficient to confer Article III standing.

68. Unless enjoined, Defendants will continue to commit or facilitate the illegal acts alleged herein.

69. Plaintiff and Class Members seek all relief available under Fla. Stat. § 934.10, including declaratory and injunctive relief, statutory damages at the rate of \$100 a day for each day of violation or \$1,000, whichever is higher, punitive damages, attorneys' fees, and costs.

COUNT II

Violation of the Florida Security of Communications Act, Fla. Stat. § 934.04

70. Plaintiff repeats and incorporates the allegations set forth in paragraphs 1 through 69 as if fully set forth herein.

71. Plaintiff brings this claim individually and on behalf of the Class Members against Defendants.

72. Fla Stat. § 934.04 provides a private right of action against:

[A]ny person who intentionally:

(a) Sends through the mail or otherwise sends or carries any electronic, mechanical, or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the illegal interception of wire, oral, or electronic communications as specifically defined by this chapter; or

(b) Manufactures, assembles, possesses, or sells any electronic, mechanical, or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the illegal interception of wire, oral, or electronic communications as specifically defined by this chapter[.]

Fla Stat. § 934.04(1).

73. At all relevant times, by implementing ForeSee’s wiretaps, Defendants intentionally possessed a wiretap device that is primarily or exclusively designed or intended for eavesdropping upon the communications of another.

74. ForeSee’s code is a “device” that is “primarily useful” for eavesdropping. That is, ForeSee’s embedded code is designed to gather PII, including keystrokes, mouse clicks, and other electronic communications.

75. Plaintiff and Class Members did not consent to any of Defendants’ actions in implementing ForeSee’s wiretaps.

76. Plaintiff and Class Members seek all relief available under Fla. Stat. § 934.10, including declaratory and injunctive relief, statutory damages at the rate of \$100 a day for each day of violation or \$1,000, whichever is higher, punitive damages, attorneys’ fees, and costs.

COUNT III

Invasion of Privacy Under Florida Law

77. Plaintiff repeats and incorporates the allegations set forth in paragraphs 1 through 58 as if fully set forth herein.

78. Plaintiff brings this claim individually and on behalf of the Class Members against Defendants.

79. Plaintiff and Class Members have an interest in: (1) precluding the dissemination and/or misuse of their sensitive, confidential PII; and (2) making personal decisions and/or conducting personal activities without observation, intrusion, or interference.

80. At all relevant times, by implementing ForeSee's wiretaps on Defendants' Websites, Defendants intentionally invaded Plaintiff's and Class Members' privacy rights under Florida law.

81. Plaintiff and Class Members had a reasonable expectation that their PII and other data would remain confidential and that Defendants would not install wiretaps on the Websites.

82. Plaintiff and Class Members did not consent to any of Defendants' actions in implementing ForeSee's wiretaps on the Websites.

83. This invasion of privacy is serious in nature, scope, and impact.

84. The invasion of privacy alleged herein constitutes an egregious breach of the social norms underlying the right to privacy.

85. Plaintiff and Class Members seek all relief available for invasion of privacy claims under Florida law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff individually and on behalf of all others similarly situated, seeks judgment against Defendants, as follows:

- (a) For an order certifying the Class under Florida Rule of Civil Procedure 1.220 and naming Plaintiff as the representative of the Class and Plaintiff's attorneys as Class Counsel to represent the Class;

- (b) For an order declaring that the Defendants' conduct violates the statutes referenced herein;
- (c) For an order finding in favor of Plaintiff and the Class on all Counts asserted herein;
- (d) For compensatory, punitive, and/or statutory damages in amounts to be determined by the Court and/or jury;
- (e) For prejudgment interest on all amounts awarded;
- (f) For an order of restitution and all other forms of equitable monetary relief;
- (g) For injunctive relief as pleaded or as the Court may deem proper; and
- (h) For an order awarding Plaintiff and the Class their reasonable attorneys' fees and expenses and costs of suit.

JURY DEMAND

Plaintiff and Class Members hereby demand a trial by jury.

DOCUMENT PRESERVATION DEMAND

Plaintiff demands that Defendants take affirmative steps to preserve all records, lists, electronic databases, or other itemizations associated with the allegations herein, including all records, lists, electronic databases, or other itemizations in the possession of any vendors, individuals, and/or companies contracted, hired, or directed by Defendants to assist in sending the alleged communications.

Dated: April 2, 2021

Respectfully submitted,

By: /s/ Brian Levin
LEVIN LAW, P.A.
Brian Levin, Esq.
Florida Bar No. 26392

/s/ Avi R. Kaufman
KAUFMAN P.A
Avi R. Kaufman, Esq.
Florida Bar No. 84382

2665 South Bayshore Drive, PH-2B
Miami, Florida 33133
brian@levinlawpa.com
(305) 402-9050

*Counsel for Plaintiff and
Putative Class*

400 Northwest 26th Street
Miami, Florida 33127
kaufman@kaufmanpa.com
(305) 469-5881

*Counsel for Plaintiff and
Putative Class*

<input checked="" type="checkbox"/> IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA. <input type="checkbox"/> IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.		
DIVISION <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> DISTRICTS <input type="checkbox"/> OTHER	SUMMONS 20 DAY CORPORATE SERVICE (a) GENERAL FORMS	CASE NUMBER 2021-008034-CA-01
PLAINTIFF(S) MICHAEL FRIDMAN, individually and on behalf of all those similarly situated,	VS. DEFENDANT(S) 1-800-Flowers.com, INC. and 800-Flowers, Inc.	SERVICE

THE STATE OF FLORIDA:
 To Each Sheriff of the State:

YOU ARE COMMANDED to serve this summons and copy of the complaint or petition in this action on defendant(s): 1-800-Flowers.com, Inc. c/o The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801_____

Each defendant is required to serve written defense to the complaint or petition on Plaintiff's Attorney: Avi R. Kaufman, Kaufman P.A._____

whose address is: 400 NW 26th St., Miami, FL 33127_____

Email: Avi@Kaufmanpa.com; Tele: 305.469.5881_____

CLOCK IN

within 20 days “ **Except when suit is brought pursuant to s. 768.28, Florida Statutes, if the State of Florida, one of its agencies, or one of its officials or employees sued in his or her official capacity is a defendant, the time to respond shall be 40 days. When suit is brought pursuant to. 768.28, Florida Statutes, the time to respond shall be 30 days.**” after service of this summons on that defendant , exclusive of the day of service, and to file the original of the defenses with the Clerk of this Clerk Court either before service on Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

HARVEY RUVIN CLERK of COURTS	DEPUTY CLERK	DATE
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**AMERICANS WITH DISABILITIES ACT OF 1990
 ADA NOTICE**

“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Alean Simpkins, the Eleventh Judicial Circuit Court’s ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1st Avenue, Suite 2400, Miami, FL 33128; Telephone (305) 349-7175; TDD (305) 349-7174, Email ADA@jud11.flcourts.org; or via Fax at (305) 349-7355, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711.”

<input checked="" type="checkbox"/> IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA. <input type="checkbox"/> IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.		
DIVISION <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> DISTRICTS <input type="checkbox"/> OTHER	SUMMONS 20 DAY CORPORATE SERVICE (a) GENERAL FORMS	CASE NUMBER 2021-008034-CA-01
PLAINTIFF(S) MICHAEL FRIDMAN, individually and on behalf of all those similarly situated,	VS. DEFENDANT(S) 1-800-Flowers.com, INC. and 800-Flowers, Inc.	SERVICE

THE STATE OF FLORIDA:
 To Each Sheriff of the State:
YOU ARE COMMANDED to serve this summons and copy of the complaint or petition in this action on defendant(s): 800-Flowers, Inc., 1 OLD COUNTRY RD / SUITE 500, CARLE PLACE, NEW YORK, 11514 _____

 Each defendant is required to serve written defense to the complaint or petition on Plaintiff's Attorney: Avi R. Kaufman, Kaufman P.A. _____
 whose address is: _400 NW 26th St., Miami, FL 33133 _____
 Email: avi@kaufmanpa.com; Tele: 305.469.588 _____

CLOCK IN

within 20 days “ **Except when suit is brought pursuant to s. 768.28, Florida Statutes, if the State of Florida, one of its agencies, or one of its officials or employees sued in his or her official capacity is a defendant, the time to respond shall be 40 days. When suit is brought pursuant to. 768.28, Florida Statutes, the time to respond shall be 30 days.**” after service of this summons on that defendant , exclusive of the day of service, and to file the original of the defenses with the Clerk of this Clerk Court either before service on Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

HARVEY RUVIN CLERK of COURTS	DEPUTY CLERK	DATE
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“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Alean Simpkins, the Eleventh Judicial Circuit Court’s ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1st Avenue, Suite 2400, Miami, FL 33128; Telephone (305) 349-7175; TDD (305) 349-7174, Email ADA@jud11.flcourts.org; or via Fax at (305) 349-7355, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711.”

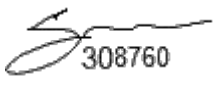
<input checked="" type="checkbox"/> IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA. <input type="checkbox"/> IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.		
DIVISION <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> DISTRICTS <input type="checkbox"/> OTHER	SUMMONS 20 DAY CORPORATE SERVICE (a) GENERAL FORMS	CASE NUMBER 2021-008034-CA-01
PLAINTIFF(S) MICHAEL FRIDMAN, individually and on behalf of all those similarly situated,	VS. DEFENDANT(S) 1-800-Flowers.com, INC. and 800-Flowers, Inc.	SERVICE

THE STATE OF FLORIDA:
 To Each Sheriff of the State:
YOU ARE COMMANDED to serve this summons and copy of the complaint or petition in this action on defendant(s): 1-800-Flowers.com, Inc. c/o The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801 _____

 Each defendant is required to serve written defense to the complaint or petition on Plaintiff's Attorney: Avi R. Kaufman, Kaufman P.A. _____
 whose address is: 400 NW 26th St., Miami, FL 33127 _____
 Email: Avi@Kaufmanpa.com; Tele: 305.469.5881 _____

CLOCK IN

within 20 days “ **Except when suit is brought pursuant to s. 768.28, Florida Statutes, if the State of Florida, one of its agencies, or one of its officials or employees sued in his or her official capacity is a defendant, the time to respond shall be 40 days. When suit is brought pursuant to. 768.28, Florida Statutes, the time to respond shall be 30 days.**” after service of this summons on that defendant , exclusive of the day of service, and to file the original of the defenses with the Clerk of this Clerk Court either before service on Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

HARVEY RUVIN CLERK of COURTS	 308760 DEPUTY CLERK	DATE 4/5/2021
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**AMERICANS WITH DISABILITIES ACT OF 1990
 ADA NOTICE**

“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Alean Simpkins, the Eleventh Judicial Circuit Court’s ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1st Avenue, Suite 2400, Miami, FL 33128; Telephone (305) 349-7175; TDD (305) 349-7174, Email ADA@jud11.flcourts.org; or via Fax at (305) 349-7355, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711.”

<input checked="" type="checkbox"/> IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA. <input type="checkbox"/> IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.		
DIVISION <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> DISTRICTS <input type="checkbox"/> OTHER	SUMMONS 20 DAY CORPORATE SERVICE (a) GENERAL FORMS	CASE NUMBER 2021-008034-CA-01
PLAINTIFF(S) MICHAEL FRIDMAN, individually and on behalf of all those similarly situated,	VS. DEFENDANT(S) 1-800-Flowers.com, INC. and 800-Flowers, Inc.	SERVICE

THE STATE OF FLORIDA:
 To Each Sheriff of the State:
YOU ARE COMMANDED to serve this summons and copy of the complaint or petition in this action on defendant(s): 800-Flowers, Inc., 1 OLD COUNTRY RD / SUITE 500, CARLE PLACE, NEW YORK, 11514 _____

 Each defendant is required to serve written defense to the complaint or petition on Plaintiff's Attorney: Avi R. Kaufman, Kaufman P.A. _____
 whose address is: _400 NW 26th St., Miami, FL 33133 _____
 Email: avi@kaufmanpa.com; Tele: 305.469.588 _____

CLOCK IN

within 20 days “ **Except when suit is brought pursuant to s. 768.28, Florida Statutes, if the State of Florida, one of its agencies, or one of its officials or employees sued in his or her official capacity is a defendant, the time to respond shall be 40 days. When suit is brought pursuant to. 768.28, Florida Statutes, the time to respond shall be 30 days.**” after service of this summons on that defendant , exclusive of the day of service, and to file the original of the defenses with the Clerk of this Clerk Court either before service on Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

HARVEY RUVIN CLERK of COURTS	 310009 DEPUTY CLERK	DATE 4/5/2021
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**AMERICANS WITH DISABILITIES ACT OF 1990
 ADA NOTICE**

“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Alean Simpkins, the Eleventh Judicial Circuit Court’s ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1st Avenue, Suite 2400, Miami, FL 33128; Telephone (305) 349-7175; TDD (305) 349-7174, Email ADA@jud11.flcourts.org; or via Fax at (305) 349-7355, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711.”

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

MICHAEL FRIDMAN,

Plaintiff,

v.

CASE NO. 2021-008034-CA-01

1-800-FLOWERS.COM, INC., and
800-FLOWERS, INC.,

Defendants.

CONSENT MOTION FOR EXTENSION OF TIME

Having obtained Plaintiff Michael Fridman's consent, Defendants 1-800-Flowers.com, Inc. and 800-Flowers, Inc. move, pursuant to Florida Rules of Civil Procedure Rule 1.090(b), for an order extending Defendants' time to answer, move or otherwise respond to the complaint until and through June 10, 2021. Good cause exists to grant the extension for the reasons set forth below.

1. Plaintiff served Defendants with the class action complaint in this action on April 21, 2021.
2. Defendants' current deadline to respond to the complaint is May 11, 2021. Fla. R. Civ. P. 1.140.
3. Good cause exists to extend Defendants' time to respond to the complaint. Fla. R. Civ. P. 1.090(b). Defendants recently retained undersigned counsel to represent them in this action, and undersigned counsel requires additional time to investigate the claims and prepare its response to the Complaint.
4. Granting this motion will not cause any change in any other deadlines set by the Court in this action. The Court has not scheduled trial or issued any scheduling order.
5. No party will be prejudiced if the Court grants the requested relief.

6. Plaintiff's counsel consents to the requested extension.

WHEREFORE, Defendants respectfully request that the Court enter the attached agreed order granting their motion and extend their time to answer, move or otherwise respond to the complaint until and through June 10, 2021.

Respectfully submitted this 10th day of May, 2021.

/s/ J. Douglas Baldrige

J. Douglas Baldrige
Florida Bar No. 0708070
Theodore B. Randles
Florida Bar No. 115790
VENABLE LLP
600 Massachusetts Avenue, N.W.
Washington, DC 20001
Telephone: (202) 344-4703
Telephone: (202) 344-4271
Email: jdbaldrige@venable.com
Email: tbrandles@venable.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of May, 2021, a copy of the foregoing has been filed and served via the Florida E-Filing Portal to the parties identified as attorneys of record in the E-Filing Portal and the Service List below as of the date of this filing.

Brian Levin, Esq.
Florida Bar No. 263892
LEVIN LAW, P.A.
2665 South Bayshore Drive, PH-2B
Miami, FL 33133
Telephone: (305) 402-9050
Email: brian@levinlawpa.com

Avi R. Kaufman, Esq.
Florida Bar No. 84382
KAUFMAN P.A.
400 Northwest 26th Street
Miami, FL 33127
Telephone: (305) 469-5881
Email: kaufman@kaufmanpa.com

By: /s/ J. Douglas Baldrige
J. Douglas Baldrige

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

MICHAEL FRIDMAN,

Plaintiff,

v.

CASE NO. 2021-008034-CA-01

1-800-FLOWERS.COM, INC., and
800-FLOWERS, INC.,

Defendants. /

**AGREED ORDER GRANTING
CONSENT MOTION FOR EXTENSION OF TIME**

THIS CAUSE is before the Court upon Defendants' Consent Motion for Extension of Time (the "Motion"), filed on May 10, 2021. Upon review, and for good cause shown, it is ORDERED AND ADJUDGED as follows:

1. The Motion is GRANTED.
2. Defendants' time to answer, move or otherwise respond to the complaint is extended until and through June 10, 2021.

DONE AND ORDERED in Chambers at Miami, Florida.

**ANTONIO ARZOLA
CIRCUIT JUDGE**

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2021-008034-CA-01

SECTION: CA24

JUDGE: Antonio Arzola

Michael Fridman

Plaintiff(s)

vs.

1-800-Flowers.com, Inc. et al

Defendant(s)

AGREED ORDER GRANTING CONSENT MOTION FOR EXTENSION OF TIME

THIS CAUSE is before the Court upon Defendants' Consent Motion for Extension of Time (the "Motion"), filed on May 10, 2021. Upon review, and for good cause shown, it is ORDERED AND ADJUDGED as follows:

1. The Motion is GRANTED.
2. Defendants' time to answer, move or otherwise respond to the complaint is extended until and through June 10, 2021.

DONE and ORDERED in Chambers at Miami-Dade County, Florida on this 11th day of May, 2021.



2021-008034-CA-01 05-11-2021 9:55 AM

Hon. Antonio Arzola

CIRCUIT COURT JUDGE

Electronically Signed

No Further Judicial Action Required on **THIS MOTION**

CLERK TO **RECLOSE** CASE IF POST JUDGMENT

Electronically Served:

Avi Kaufman, kaufman@kaufmanpa.com

Avi Kaufman, rachel@kaufmanpa.com

Avi Kaufman, info@kaufmanpa.com

James Douglas Baldrige, jdbaldrige@venable.com

James Douglas Baldrige, jmooney@venable.com

James Douglas Baldrige, TBRandles@Venable.com

Physically Served: