



Office of Minnesota Attorney General Lori Swanson - Consumer Complaint

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Toll-free: (800) 657-3787
Toll-free TTY: (800) 366-4812

Your Name (Please Print) John Berryhill	
Your Address 4 West Front Street	
Your City, State, Zip Media, PA 19063	
Your Day Phone (Include Area Code) (610) 565-5601	Evening Phone
Your E-mail john@johnberryhill.com	

Name of Company Involved in Complaint National Arbitration Forum	
Address 6465 Wayzata Blvd. #500	
City, State, Zip St. Louis Park, MN 55426	
Phone Number (Include Area Code) (800) 474-2371	
Person Contacted Kristine Dorrain	Title Internet Lgl. Cnsl.

The information you provide may be used in efforts to resolve the problem, to communicate with you, and/or to enforce applicable laws. The information may be shared with the party complained against, law enforcement agencies and consumer assistance agencies. You are not legally required to provide this information, but failure to do so may hinder efforts to resolve your problem.

Have you contacted another agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, give name of agency: ICANN		Have you filed a lawsuit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Result:	
Product/Service Involved Dispute Resolution	Date of Purchase Nov. 14, 2007	Amount of Purchase \$1300.00	Name of Service UDRP 3 Member Panel
What do you want the company to do? Refund payment as promised.			

Explanation of Complaint:

The National Arbitration Forum (NAF) purports to provide dispute resolution services in accordance with "Supplemental Rules" for a policy relating to internet address and trademark disputes. In a proceeding conducted in November/December 2007 (NAF file No. FA0710001094477), I had made payment on November 14, 2007 of \$1300.00 to the NAF for a three member dispute resolution panel on behalf of a client, and Respondent in the NAF proceeding. The proceeding was subsequently withdrawn, and no panel was appointed. The NAF advertises that in such circumstances, a refund of panelist fees will be made (See Exhibit A, NAF Supplemental Rule 9(e)).

The NAF requires payments of such fees by the parties within 20 days notice of commencement of a dispute resolution proceeding.

The proceeding in question was deemed withdrawn on December 12, 2007. Also on December 12, 2007, I received a communication from Mr. Michael Houle of the NAF stating, "I have processed the refund and you should receive a check in 4-8 weeks." (Exhibit B). The promised eight weeks have passed with no sign of a refund or further communication or explanation from the NAF in the matter.

I have also contacted the Internet Corporation for Assigned Names and Numbers (ICANN), a California non-profit which confers nominal "accreditation" of the NAF to conduct these types of internet dispute resolution services. ICANN has taken no action, as the responsible ICANN official is a former employee of the NAF in charge of the identical dispute resolution service advertised by the NAF.

The information I have given you is true and accurate to the best of my knowledge and may be used as stated on this form.	
Signature 	Date 2/18/2008

Thank you for the opportunity to assist you.

Lori Swanson
Minnesota Attorney General

Exhibit A - NAF Supplemental Rule 9

from <http://domain.adrforum.com/users/icann/resources/UDRPSuppRules20071101.pdf>

**“National Arbitration Forum Dispute Resolution for Domain Names
UDRP Supplemental Rules Page 6 Effective November 1, 2007**

9. Appointment of the Panel and Timing of Decision

[...]

(e) In cases where the Respondent requested a three-member Panel and the Complaint is withdrawn prior to the appointment of a Panel, the Respondent will be reimbursed \$1,000 of its fee.”

Exhibit B - NAF Promise of Refund

From: Houle, Michael [mailto:mhoule@adrforum.com]
Sent: Wednesday, December 12, 2007 3:35 PM
To: john@johnberryhill.com
Subject: RE: ORDER: Michael Cadillac, Inc. v MicroStrategy, Inc - FA0710001094477

Dear Mr. Berryhill,

I have processed the refund and you should receive a check in 4-8 weeks.

Best regards,

Michael C. Houle
Domain Dispute Case Coordinator
National Arbitration Forum
P.O. Box 50191
Minneapolis, MN 55405
1-(800) 474-2371
Fax 612-235-3355
mhoule@adrforum.com
www.adrforum.com

This e-mail message and any attachments are confidential and may be privileged information. If you are not the intended recipient, or the person responsible for delivering it to the intended recipient, please notify the sender immediately and destroy all copies of this message and attachments.

From: John Berryhill [mailto:john@johnberryhill.com]
Sent: Wednesday, December 12, 2007 2:28 PM
To: Houle, Michael
Subject: RE: ORDER: Michael Cadillac, Inc. v MicroStrategy, Inc - FA0710001094477

Dear Mr. Houle,

Kindly indicate the manner in which you intend to comply with NAF Supplemental Rule 9(e).

Sincerely,

John Berryhill, Ph.d., Esq.
4 West Front St.
Media, PA 19063
(610) 565-5601
(267) 386-8115 fax