

Subject **RE: Compensation Request**
From Billing Email to Case <billing@volusion.com>
To csimon@fairlane.biz <csimon@fairlane.biz>
Cc dvernon@vgllp.com <dvernon@vgllp.com>, support@volusion.com <support@volusion.com>
Date 2019-06-10 16:54



Hi there,

Thank you for your feedback. We sincerely apologize for the frustration our plan changes have caused. If you revert back to our Terms of Service that were agreed to when you purchased your plan. It does stat " We expressly reserve the right to change our prices and payment terms at any time, and such changes shall be posted online on our website and effective immediately without need for further notice to you" (#9 Fees and Payments, paragraph 10). Again we apologize but we will not be able to accommodate and further credits.

Sincerely,

Jessica L. | Volusion Account Specialist

----- Original Message -----

From: Claude Simon [csimon@fairlane.biz]
Sent: 6/7/2019 9:38 AM
To: support@volusion.com
Cc: dvernon@vgllp.com
Subject: RE: Compensation Request

I'm sorry to hear this but the answer given is not acceptable.

Changes in subscription rates are a modification of a contract which require the consent of both parties to the contract.

We did not consent.

It is well settled law that failure to object to contractual changes does not amount to consent. In fact, most states prohibit, by statute, this practice. It is generally considered consumer fraud.

The single feature which apparently triggered this unilateral upgrade, namely Ebay integration, never worked and was never used. There is no service which we received which could justify, economically or legally, any charges above the subscription rate to which we agreed.

With regard to the lapse of time, it is irrelevant in cases of fraud. The statute of limitations in contract cases is six years.

I urge you to reconsider this decision and any policy which has also affected those similarly situated.

I hope to hear back from you or your counsel by 6/14/2019 to prevent further action.

Thanks,

Claude Simon

On Jun 7, 2019, 10:19 AM -0400, Support <support@volusion.com>, wrote:

Hi there,

Thank you for your ticket. We have downgraded your account to our Personal plan which will take effect on 06-27-2019. A credit for the difference between our Business and Personal plan for your most recent payment has been issued back to your card on file(\$171.91).

We have reviewed all aspects of your compensation request. I apologize, but we are unable issue credits for the previous months of the hosting fees that you requested as compensation. Typically, we are unable to refund any hosting fees that have been taken prior to when we receive a valid plan downgrade request.

Regarding the plan changes, all of our new plans include free SSLs and unlimited bandwidth/data transfer. The reason you were moved to this plan is because it is the most comparable plan without sacrificing any of the features that were on the plan you were on before. The plan change email notification did not require action because the plan you were slotted into was the most comparable in terms of the software features to make for the smoothest transition and not negatively effect how your website may have been functioning on a day-to-day basis. If you were unhappy with this change, it was predicted that you would contact us within the first month of seeing this change and discuss options you would prefer. Our service is month-to-month and you are free to make changes to your plan at any time by contacting us.

The terms and conditions of the account state that the hosting fees are assessed monthly in order to give you access to the software and to ensure your site has a spot on our servers. As you did have access to the software, the services were provided per the terms and conditions. Additionally, as you did not reach out to us during this time after you received the October invoice, we were unaware of your situation or that you were wanting to make changes to your plan.

Please allow 2-3 business days for your bank to process your funds. You may view the invoice in your My Volusion account, under "Billing History." I sincerely apologize for any frustration, but we will not be able to accommodate your complete request for compensation.

Kind Regards,
Jessica L. | Account Services Specialist

----- Original Message -----

From: Support [support@volusion.com]
Sent: 6/4/2019 9:41 AM
To: csimon@fairlane.biz
Subject: Compensation Request

Hi there!

I appreciate your time speaking with me today, and I'm glad we were able to resolve the downgrade request for you as well.

This is an email summarizing the details of your compensation request for the difference of plan cost since plan changes occurred back in September 2018:

Merchant was upgraded to Business plan unexpectedly, and was only made aware today that there was any pricing change.

Would like compensation for that time frame that they weren't aware for the difference in cost.

Please allow 2-3 business days for response from our Billing Team, and the results of your request.

Be aware that the Terms of Service agreed to clarify that we do not provide refunds for service.

We appreciate your patience while we review your request!

Tony D.



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Kind Regards,



Jessica L. |Volusion Account Services

Kind Regards,



Jessica L. |Volusion Account Services