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From: "Better Business Bureau" <baltimore.rw@bureaudata.com>
To: "Don Davidson"
Subject: BBB Complaint Case#36024675(Ref#85-32010985-36024675-6-1100)
Date: Thu, 5 Jun 2008 06:14:37 -0600 (MDT)

Complaint ID#: 36024675
Business Name: Publish America, LLLP

Your Better Business Bureau has received a response from the business regarding your complaint. Please review their response to us and provide us with any comments you may have by June 15, 2008.

If the BBB does not receive a response, your complaint will close as Assumed Satisfied.

We encourage you to use our online complaint system to respond this complaint. The following link will take you directly to this complaint. You will be able enter your response directly on our website:

<http://app.greatermd.bbb.org/complaint/view/36024675/c/jur7kp>

If you are unable to respond using the internet, then please respond to the address above or via fax to 410.347.3936 to the attention of the BBB staff member below.

Sincerely,

Riecie Warren
Trade Practices Specialist & Ad Review Coordinator
Dispute Resolution Department
410 347-3990 ext 3026
rwarren@greatermd.bbb.org

BBB CASE#: 36024675

Complaint filed by:	Don Davidson (More)
Complaint filed against:	Publish America, LLLP (More)
Complaint status:	Forward Business response to Consumer (More)
Case Description:	I feel that I was defrauded into signing a contract that gives PublishAmerica exclusive rights for 7 years to "publish"... (More)
Category:	Contract Issues
Case opened date:	05/30/2008
Case closed date:	
Desired Resolution:	I would just like to cancel the contract and get back the rights to my book, since they are going... (More)

Download a copy of this complaint so you can print it for your records

*** You need to respond to this complaint before it can be processed further. Please see below for instructions. ***

On June 03, 2008, the business provided the following information:

Contact Name and Title: Victor Cretella, attorney

Contact Phone: 301-695-6804

Contact Email: vec@publishamerica.com

Dear Ms. Warren: PublishAmerica has fully complied with its obligations under the contract. Notwithstanding Mr. Davidson's statements to the contrary, PublishAmerica did not promise Mr. Davidson any particular marketing efforts. Instead, the contract expressly provides that marketing is at PublishAmerica's discretion. Contract, paragraph 17 ("Sales promotion, advertising and publicity shall be at the Publisher's election and discretion as to the extent, scope and character thereof and in all matters pertaining thereto"). Furthermore, Mr. Davidson should have expected that he would have to make substantial marketing efforts on his own behalf since that is exactly what the contract expressly states. Contract, paragraph 17 ("The Author agrees to actively participate in promoting the sales of the said literary work in his home town area and elsewhere, by making himself available to media interviews, book readings and/or signings, and other public sales promotion appearances").

Mr. Davidson's claim that he was "defrauded" by PublishAmerica is completely unreasonable. In fact he cannot particularize a claim for breach of the contract let alone fraud. Accordingly, PublishAmerica will not terminate the contract as requested by Mr. Davidson. Rather PublishAmerica will continue to publish Mr. Davidson's book for the full 7 years as authorized by the contract.

If PublishAmerica were to take any action at this point, it would be to sue Mr. Davidson for defamation. On the following website, Mr. Davidson has accused PublishAmerica of being a "scam":

<http://christianityforthinkers.com/publishamerica.htm>.

This accusation is completely false as PublishAmerica has done nothing fraudulent.

Response

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