

Reconsideration Request

1. Requestor Information

Name: Emily Rose, n/k/a Emily Rose Trust

J. Rose Trustee of the Emily Rose Trust

Address:Contact Information Redacted

Email: Contact Information Redacted

2. Request for Reconsideration of:

Board action/inaction

Staff action/inaction

3. Description of specific action you are seeking to have reconsidered.

Decision-Homevestors of America, Inc. v Emily Rose/NCRS

Claim Number: FA2003001889990

ICAAAN Staff Panelist Decision by Sebastian MW Hughes

adrforum.com/DomainDecisions/1889990.htm

4. Date of action/inaction:

20th of May, 2020

5. On what date did you become aware of the action or that action would not be taken?

21th of May, 2020

6. Describe how you believe you are materially and adversely affected by the action or inaction:

The Staff and Panelist of the ICANN Forum in this matter have exhibited extreme bias in their reading and interpretation of Complainants Complaint against Respondent to the extent that independence and impartially were completely nonexistent in their decision as well as lacking ability to understand and comprehend the facts

Panelist Decision is All in violation of

Section 2.3. NON-DISCRIMINATORY TREATMENT

ICANN shall not apply its standards, policies, procedures, or practices inequitably or single out any particular party for disparate treatment unless justified by substantial and reasonable cause, such as the promotion of effective competition.

7. Describe how others may be adversely affected by the action of inaction, if you believe that this is a concern.

This Forum in Claim Number: FA0701000904273f on its own concluded "Complainant has no registrations or rights in the phrase "Ugly Houses." This Respondent relied on this decision when establishing its domain and business model. Other coming after this Respondent might also come to the same conclusion and be subject to same tortious actions of this forum panelists.

8. Detail of Board or Staff Action/Inaction – Required Information

Sebastian M W Hughes as Panelist gave no weight nor was it considered in his decision of the Forums previous decision in FA0901000904273f that Complainant has no rights to the generic phrase "Ugly Houses". Panelist Hughes goes further in his bias relying on the false and inaccurate information in Complaint, thereby making his own bias conclusions that Complainant in his decision owns generic phrase Ugly Houses, is confusingly similar, when in fact this is not true, Hughes decision is totally unsubstantiated without consideration or material information and or in direct conflict with FA0901000904273f and contradicts ICANN's Mission, Commitments, Core Values and/or established ICANN policies.

Hughes stated in his decision that Complainant has trade marks in Rhode Island this is completely false Complainant has no marks registered in the state of Rhode Island. Comments like these further exhibit Hughes inherit bias and inability to grasp pertinent facts in this matter.

Forum thru Panelist Sebastian Hughes requested an extreme measure of Self-Ordering (exhibit "B") a one week continuance citing "exceptional circumstances", Respondent was never advised what the exceptional circumstances where. Respondent emailed Lead Case Coordinator MichelleS (exhibit "A") querying what the exceptional circumstances where, Lead Case Coordinator responded "Unfortunately I do not". Respondent was given no chance to object nor does Respondent know if self-ordering extensions are the norm or even permitted in the rules. The self-order could possibly render Hughes decision void as not permitted in the rules and well as the entire matter in the Forum.

Panelist Hughes used the three elements policy when rendering his decision, each of which continues to show bias including being uniformed and unschooled in Respondents arguments and facts presented in Respondents Response and Supplemental Response.

1. Identical and/or Confusingly Similar;

Respondent clearly showed Complainant does not own or have any rights to the sole mark Ugly Houses, therefore it cannot be "Identical and/or Confusingly Similar and fails as a required element. Just because Hughes says so does not make it fact.

2. Rights or Legitimate Interests;

Panelist Hughes again with his uncompromising bias makes arbitrary and capricious conclusions therein. Fact is, no one possesses nor has any rights or legitimate interest in the generic phrase Ugly Houses pursuant to previous panel's decisions and Respondents evidence and arguments presents in the pleadings. Just because Hughes says so does not make it fact nor can he override previous panel decisions. Nor the fact that Ugly Houses is in the public domain as a commonly known generic phrase and cannot be owned by anyone. Therefore Rights or Legitimate Interests also failed.

3. Registration and Use in Bad Faith;

Hughes attempts to conclude that because Respondent Emily Rose passed thru legal means of devise into a previously established legitimate trust somehow is bad faith. All Hughes shows in his claim of bad faith is his bias and how unschooled he is in law and practices of transference upon death. There is no nor can there be bad faith under the law. Therefore Bad Faith claim failed as well.

Paragraph 4(a) of the Policy requires all three elements to be proven to establish and order to transfer a domain. Accordingly, Complainant failed proving all three elements even with their false and inaccurate information and help of Hughes bias.

Panelist Hughes thru his bias and working outside ICANN established policies rendered a decision not compliant with the facts and policies of ICANN totally ignoring Respondents pleadings and facts therein.

Hughes contrary abusive actions undermine the confidence, rules, policies and procedures of the established system designed by ICANN. Having rogue panelists promoting bias into the system cannot be nor should be tolerated. Hughes did not follow nor comply with ICAAN "Core Values" as a guide in his decision.

9. What are you asking ICANN to do now?

Hughes perpetrated extreme bias and fraud on this Respondent in his decision. Respondent respectfully requests that his decision be vacated and forever barred as well as Complainants Complaint which was presented with unclean hands solely to fraud this Respondent.

Alternatively Respondent requests that ICANN review all pleading in the instant matter rendering its own decision or permanently remove Panelist Hughes decision and appoint an unbiased Panelists who upholds all the core values of ICANN rendering an unbiased decision.

10. Please state specifically the grounds under which you have the standing and the right to assert this Reconsideration Request, and the grounds or justifications that support your request.

As Respondent in Claim Number FA2003001889990 Respondent has standing.

Respondent has been seriously harmed and is adversely impacted by Panelist Hughes biased decision to Transfer Respondents domain UglyHousesRI to Complainant. Respondent will substantially lose financially in actual costs involved with business set up and marketing. Respondent will lose intrinsic value of its branding and reliance on community recognition and its good name in its services that community has come to know and rely on. Respondent is a Local business only in Rhode Island not a national company. As a result of Hughes decision Complainant will now unfairly be the recipient of all Respondents hard work, laid out moneys and efforts to establish its good business practice and name. Complainant will be unjustly enriched at Respondents true and accurate efforts and expense. Respondent has done no wrong establishing UglyHousesRI using previous decision FA0901000904273f of the Forum as its template and model.

11. Are you bringing this Reconsideration Request on behalf of multiple persons or entities? (Check One)

Yes

No

12. Are you bringing this Reconsideration Request on a urgent basis pursuant to Article 4, Section 4.2(s) of the Bylaws?

Yes

No

13. Do you have any documents you want to provide to ICANN?

Respondent understands that ICANN has complete access to all pertinent documents in Claim Number FA2003001889990 therefore Respondent only has attached Exhibit "A" hereto.

By Submitting my personal data, I agree that my personal data will be processed In accordance with the ICANN Privacy Policy, and agree to abide by the website Terms of Service.

J. Rose Trustee of the Emily Rose Trust

29th, May, 2020

Signature

Date

Emily Rose n/k/a Emily Rose Trust

J. Rose Trustee

Print Name