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February 20, 2002

**VIA EMAIL AND FACSIMILE 866-743-4517**

Ms. Michelle Hultman  
Case Coordinator  
National Arbitration Forum

Re: Savin Corporation v. savinsucks.com  
Case No. FA0201000103982

Dear Ms. Hultman:

This letter addresses the email correspondence between yourself and Peter Sachs today concerning the filing deadline for Complainant's Additional Submission in the above-referenced proceeding.

We are aware that your position regarding the five day filing deadline for the Complainant's Additional Submission is that the submission was due Monday, February 18, 2002, six days after the filing of the Response. Your calculation is based on a Tuesday, February 12, 2002 filing date for the Response, plus the five days permitted for filing an additional submission (i.e., Sunday, February 17, 2002) and plus one day to move the date to the next Monday, February 18, 2002.

We are aware that the National Arbitration Forum ("NAF") moves such filing dates, when they fall on a weekend day, to the next business day. You had explained this practice to us when we had called you two weeks ago to ask about the NAF's policy with regard to deadlines falling on weekends as it pertained to another proceeding before the NAF. We are not aware that such practice is provided in the NAF Supplemental Rules. We also understand that there is no published list of holidays recognized by the NAF.

February 18, 2002, the date you state was the deadline for Complainant's Additional Submission, was Presidents' Day and was a recognized holiday by most, if not all, federal courts and administrative agencies. In fact, the U.S. District Court for the District of Minnesota, at 202 U.S. Courthouse, 300 S. 4<sup>th</sup> Street, Minneapolis, Minnesota, was closed in recognition of Presidents' Day on this past Monday. Similarly, the New York Stock Exchange, the U.S. Patent and Trademark Office, the U.S. District Court for the Southern District of New York and the U.S. District Court for the District of Connecticut, as well as most other federal courts, were all closed in recognition of this federal holiday.

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Complainant's counsel intentionally filed the Complainant's Additional Submission on Tuesday, February 19, 2002, believing that to be the proper due date, based on Monday, February 18, 2002 being a federal holiday recognized by the judiciary system. Furthermore, we filed the submission by email, facsimile and sent via Federal Express for overnight delivery a hard copy of the Additional Submission to both you and to Respondent. We paid the NAF for the Additional Submission by credit card, as provided in the rules, by providing you with a credit card number over the telephone on February 19, 2002.

Also, your letter dated February 12, 2002, the same date Respondent's Response was marked filed, provided a five day response time, the same as the time limit for additional submissions, for Complainant to strike two panelists from a list of five. You left a voicemail message for David A. Einhorn of our firm on Tuesday, February 19, 2002 requesting receipt of Complainant's panelist strikes by 1:00 a.m. February 20<sup>th</sup>. Based on that deadline, running for five days from the same date as the deadline for additional submissions, and on the fact that Monday February 18<sup>th</sup> was a federal holiday, we believed that our five day deadline for both the Additional Submission and the response to your letter requesting panelist strikes extended to that date. Thus, Complainant's Additional Submission and panelist strikes were filed simultaneously.

Based on the foregoing, we respectfully submit that Complainant's filing of its Additional Submission on Tuesday, February 19, 2002, one day after a federal holiday, was reasonable and the panel determining the outcome of this proceeding should consider the important material covered in Complainant's Additional Submission.

We request that this correspondence be placed in the file to be delivered to the panelists deciding the outcome of this proceeding. Please feel free to contact me at the above-listed telephone number should you have any questions regarding this proceeding.

Very truly yours,

Daniel J. Healy

cc: Mr. Peter Sachs  
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