

Online Skills (A Case Study)

- Case filed on: Tuesday, September 28, 2004.
- Filer: Helen Hastings
- Respondent: Cheri O'Connor
- Description of Goods or Services:
POTTERY BARN DIEGO FL/QN QUILT/SHAM SET!!
- Dollar amount of case: \$177.50
- Transaction Date: Saturday, September 11, 2004

Ms. Helen Hastings' reported problems:

As per her feedback, buyer has pattern of paying for item, receiving positive feedback, then threatening negative feedback if portion of "handling" is not refunded by seller. I paid \$35.00 to dry clean items for auction; buyer bid, won and paid promptly. Complained fast, refused to return product, implied she would post negative feedback unless I agreed to refund part of the fixed shipping/handling costs that she agreed to pay. Her communication was abrasive and threatening. I did not respond, as she had agreed by her bid and payment to the terms listed in the auction. She left me the one and only negative feedback I have ever received as a buyer and a seller on eBay. If buyer reads the costs, agrees to them, bids, pays, receives positive feedback and states she will not return item, then she needs to assume responsibility and refrain from slamming the seller through feedback. It's feedback extortion which will be filed with eBay and it's a pattern with this buyer. Please help!

Ms. Hastings' Requested Solutions:

I would like to withdraw my positive feedback in light of her unfair negative feedback and I would like to have her negative feedback withdrawn from my account. Although she paid promptly (which earned her positive feedback from me) the feeling of being exhorted for a refund earns this buyer a negative feedback from this seller and instead she got a positive one before she so aggressively went after me for a refund of monies she contracted to pay. I would like to post a negative for her if her negative is unable to be withdrawn.

Ms. Cheri O'Connor's response:

I wrote very nicely after receiving the item about the handling fee. The listing stated that the high shipping was due to the weight of the item. However, the package was shipped for \$6.26, and the shipping charge was \$18.00. I told the seller that her dry cleaning costs were irrelevant to the cost of handling, and should have been included in the cost of the item. I also stated that I did not expect a full refund, but if I did not receive a partial refund, then I would leave appropriate feedback, and I allowed ample time for a response, which I did not receive. In this case, the sale price of the item was approximately \$172.00, and from my perspective, the extra \$11.74 added to the profit since the dry cleaning should be considered part of the business expense. Consequently, without a refund of the excess handling cost, I will not agree to removing the feedback.

Dear Cheri and Helen:

My name is Michelle Obradovic, and I am the SquareTrade mediator assigned to help you resolve the problem concerning the quilt and sham set.

Thank you both for agreeing to use mediation to try to resolve your situation.

- ** Mediation is a way to resolve problems by agreement.
- ** I do not decide the outcome of your case – that is determined by you.
- ** I do not find fault with anyone or place any blame.
- ** I do not give legal advice or represent either party.
- ** If an agreement cannot be reached, I have two options:

The first option is to suggest a possible solution. I will only make such a suggestion if I have permission from both parties. Whether or not to accept this suggestion will be up to you.

The second option is to close the case. You would then be at the same position you are now.

I will ask you for information to help me understand the situation and to explore possibilities for settlement. To help you resolve this as quickly as possible, I ask that you respond to any questions within 48 hours.

PLEASE NOTE THAT YOU WILL NOT BE ABLE TO SEE EACH OTHERS MESSAGES. I will be sharing information between you, but I will not share anything you ask me to keep confidential.

Based on what I have read so far, it appears that you two have an honest disagreement about what each of you believes is fair. Although each of you may be standing up for what you believe is “the principle” it does not give us much room to talk about solving this problem together, not because anyone is right or wrong, but simply because this is deeply personal to both of you. I appreciate that it will be a difficult task, but remain committed to helping you work through this.

From my review of the file, I remain unclear as to whether there is any room for compromise. Can each of you please let me know how you would like me to help you resolve this situation?

Thank you both for your cooperation.

Michelle Obradovic, SquareTrade Mediator

October 1, 2004

Ms. Cheri O'Connor's response:

my feeling is that i was overcharged handling by \$11.74, and that the dry cleaning fees were part of her expenses, especially since the listing said specifically "Shipping/handling: 18.00 due to size and weight of package." my assumption **BASED ON THE LISTING** verbage was that the package was considerably heavier than it turned out to be...what actually happened was a material falsehood in the listing...so my position is that i am willing to accept a \$3.00 handling fee for her time in packaging, going to the post office, etc, giving me a refund of \$8.74...i am **NOT** willing to agree to removing the feedback without a refund...

October 1, 2004 – Mediator to Cheri

Thank you Cheri. I appreciate your willingness to compromise on the dollar amount.

I will hold your response confidential until Helen responds to me and then I will be back in touch.

Michelle Obradovic, Square Trade Mediator

October 1, 2004

Ms. Helen Hastings' response:

I remain unwilling to refund handling costs...which she did not refute while bidding on the item or paying for it. The only thing I'm interested in is feedback withdrawal from this buyer who gave me a negative for no other reasons than her own dislike of her decision to agree to and pay for the terms clearly listed on my auction. I am absolutely not going to forward a refund. Did you get my message sent late last night? Thank you. Helen

October 1, 2004

Mediator to Cheri and Helen

Cheri (cc: Helen) - I write in response to your e-mail of last evening wherein you indicated a willingness to compromise on the dollar amount of partial refund from \$11.74 to \$8.74, which was your view of a reasonable settlement of this matter.

My hope is that you will appreciate that it is not my practice to discuss matters in terms of who is right or wrong. The truth is that I can see the points you both are making. That leaves us with a situation where it might be best to agree to disagree on the definitions and direct our attention to the interests at stake.

Helen is most concerned about the feedback and Cheri is most concerned about being treated fairly.

Both of you appear to be confident, educated and articulate. We ought to be able to figure this out and move our attention to the things in life that are pleasant.

My hope is that compromise is still possible and that you both will let me hear from you soon. Thank you both for your understanding and willingness to continue.

Michelle Obradovic, Square Trade Mediator.

October 1, 2004

Ms. Helen Hastings' Response:

Hi, and thanks for your honesty and clarity re: the current situation. I really feel weird about this whole thing! My gut continues to scream feedback extortion...the buyer used feedback to punish me and now she's using it again to get me to give her money back. I know I've said it before, but she seems to take no responsibility here for her actions in bidding/paying and lack of action prior to same (i.e., asking about the handling or simply not bidding). The other issue is the pattern of this behavior by this buyer as evidenced by her negative feedbacks by other sellers and various exchanges after positives were left by sellers. As for what next to do, I'm not sure. I'll not refund, and she will apparently only change her feedback if I do.

I looked into how to file feedback extortion via ebay and began the process but am unsure how to copy and paste her communication to me onto ebay's form. That will certainly be one thing that happens next should we reach no agreement. Do you have any suggestions what I can/should do next? I will also try to locate the message I thought I sent last night and resend it although it probably has much the same sentiments as this one. Thanks again, Helen

October 2, 2004

Ms. Cheri O'Connor's response:

message received...i will await further communication regarding the seller's position...

cheri o'connor

October 2, 2004

Cheri - hope this message finds you well and thank you for your continued commitment.

Helen is not, as of this moment, inclined to issue a refund IN EXCHANGE for a withdrawal of feedback. Therefore, if we could approach an agreement in a different way, by gaining an appreciation of each others motivations behind the eBay behavior, it may help us to make progress.

In that regard, my feeling is that it really bothers you that sellers charge so much extra besides the actual cost of shipping. It would help if I understood your thinking on this. If you authorized me to share your reasoned response with Helen, my hope is to allow her to appreciate the real message you are sending to sellers, i.e. don't mistreat buyers. Just a thought, thank you for considering it.

Michelle Obradovic, Square Trade Mediator

October 4, 2004

Ms. Cheri O'Connor's response:

i am also a seller under another name...i understand that sellers have to add a handling fee to cover their expenses...i do, also, but in general it is a flat \$2.00 to cover my supplies since i print my own postage...i have the same costs in time as anyone else, and also have to drive to the post office...in this case, the listing itself says that the \$18.00 fee was because of the high weight of the package...that was a lie, as the package only cost \$6.26 to ship parcel post...she padded the handling to cover the dry cleaning costs...i don't dispute that she HAD those costs, but they should have been included in the starting bid, and NOT hidden in the shipping and handling, at least not without being totally upfront about it...if helen does not wish to issue a refund, then i guess we are at an impasse as i am not willing to withdraw the feedback without a refund...cheri

October 4, 2004

Mediator to Helen

Helen, I reviewed Cheri's history in detail over the weekend while waiting for her to respond. What is clear to me is a pattern. However, what is not as clear initially is the motivation behind the pattern. So, I asked her.

It appears that Cheri is a seller also. Like many "professional" eBayers, she buys under one ID and sells under another.

Although the buyer history looks really bad, I felt that there had to be some reason for it.

It really bothers Cheri that other sellers charge so much extra besides the actual cost of shipping as a handling fee. As a seller, it is her practice to charge a minimal flat rate of \$2.00.

My feeling is that with all of her complaints, she is actually trying to send a message, whether artfully or in artfully done, to other sellers to stop overcharging on handling and to price the item according to value.

I understand what you are saying relative to "feedback extortion". Rarely, in my world are things black and white. Most of the time my cases fall into the gray. I never say on any case that you have to agree or condone the behavior, just try to appreciate the motivation.

Her \$8.74 offer is still good. I think it might not cause you to compromise your principles by agreeing to some amount of refund, on the condition that she hear a thoughtful message from you (through me) about how her behavior makes you feel as a person and as an eBay buyer. Just a thought.

Michelle Obradovic, Square Trade Mediator

October 4, 2004

Ms. Helen Hastings' Response:

Hi..sorry I couldn't write back earlier...I work full time out of the house but happened to be home last friday. I fully appreciate her selling ethics and even respect them, but I cannot respect her disrespect of ebay rules and the understanding known to all experienced buyers re: ask first, don't bid unless you agree to the terms, etc.... I will not agree to a refund as she cannot use her own ethics to unfairly punish others. She was not 'taken' for any charges she didn't explicitly agree to in her bids. Furthermore, my handling was absolutely fair due to the cost I put forth on dry cleaning, and my listing stated I was having the item dry cleaned. She has every right to disagree on ethics etc. She has no right to punish me and she has no right to any piece of a refund.

I am working with the ebay feedback extortion department to bring closure for me to this situation, as I feel the system she so often uses is the only system which can possibly have an effect on her behavior. I am planning to stop using ebay all together as this has been absolutely disturbing and unpleasant. I wish she would have shared her concerns prior to bidding...she would have had my respect. Now I'm just left with a sour taste and sense of unfairness. Thanks for your help. Helen

October 4, 2004
Mediator to Helen

Dear Helen, I don't disagree with anything you have said.

It appears that I have done all that is within my power as a Square Trade mediator. Therefore, I will declare an impasse.

I respect your commitment to seeking closure through eBay and wish you all the best. It has been a pleasure to work with you.

Thanks, Michelle Obradovic

October 4, 2004
Mediator to Cheri

Cheri - after further discussions with Helen, it appears that you are correct; we are likely at an impasse. As I wrote in my first message to the both of you - the disagreement is a matter of principles, which cannot be compromised. Interestingly, you both feel that you have been treated unfairly by the other. Interestingly, both of your motivations appear to be based in honor. Life is sometimes strange! Helen will not give a refund, but would like you to agree to withdraw the negative feedback. My feeling is that you will not do that under any circumstances. Regardless, I wish you the best in the future and appreciate the efforts you have made here.

Sincerely, Michelle Obradovic, Square Trade Mediator

October 4, 2004

Helen to Mediator

Hi...I wrote simply 'thank you too' but the system asks me to elaborate! And here I am looking for closure! It's as if I can't make it stop!! At least I can laugh about this piece. Seriously, thank you for your role. At the very least, I know it gave me a space to communicate about this event. At the most, it sent a message to this buyer that her behavior truly does affect people...how they feel, and how the ebay process is about much more than money and 'items'. Again, thanks, and good luck in your role in the future. Helen