



mindspring
MENTAL HEALTH ALLIANCE

Why we're being sued by NAMI, Inc.

We are writing tonight to share the sad news that we have reason to believe that Mindspring will be sued by NAMI, Inc. tomorrow in Federal Court. We are shocked and saddened that an organization that we have held in such high regard for so many years has elected to take such an extreme action against a small volunteer-led organization, with a shared mission.

However, we don't think that there is any community better positioned than this one to understand that sometimes we are hurt by people we love.

We are writing tonight to provide you with more information about the lawsuit and what we expect the future of Mindspring to be.

Background

1. NAMI has their national headquarters in Arlington, Virginia, regional offices in 48 states, and more than 600 local affiliates. These organizations are all legally distinct charities, with their own boards of directors, staff, volunteers, and bank accounts.
2. Our organization was started back in 2003 as an independent, public charity. In 2015 we entered a contractual agreement with NAMI, Inc. As a part of this agreement, NAMI allowed us the right (and the obligation) to promote their programs and resources, and the right (and the obligation) to use the NAMI name. We began to operate as NAMI Greater Des Moines.

3. Over time, confusion developed regarding the difference between NAMI, Inc. and NAMI Greater Des Moines, as well as how the funds that are donated to each organization are used, and for what purpose. There was also widespread confusion about which organization supported which initiatives, and in many cases, there was widespread confusion that these two organizations were separate legal entities.

4. **Our volunteer Board of Directors has a strong commitment to investing in critical mental health programs, and providing our supporters with transparency about how their charitable contributions are used.** After careful consideration, our volunteer board determined that we could not meet our commitments to donors and the community in the context of the NAMI Agreement.

5. In January 2021, our volunteer board unanimously voted to surrender their rights under the NAMI Agreement. This decision was made with the following goals in mind: we wanted to be sure that all donors fully understand which organization was receiving their donations; and, we wanted to continue to invest all of the funds we receive from our donors to develop, support, and expand our own innovative programs and resources.

6. After our board decision, our members voted unanimously to finalize the legal actions required to discontinue our formal relationship with NAMI, Inc.

7. At the time we ended our formal relationship with NAMI, Inc., we requested the right to continue to provide some of NAMI's programs in central Iowa. We even offered to pay them to be able to do so. Unfortunately, they declined.

8. **Despite our disappointment, we continue to support NAMI's mission, and we were proud to field a Mindspring team to support the NAMIWalk last Saturday.**

9. After the separation, we began discussing with NAMI, Inc.'s leadership, and then their lawyers in Washington, the process by which our volunteers would update our website and other materials to remove references to NAMI, and we got to work!

10. However, we now understand that they are unhappy with our work, and **rather than work with us to fix things and move forward, NAMI prefers to sue our organization in Federal Court.**

The Litigation

11. In the litigation, we expect NAMI to raise claims that we have: (1) infringed their trademarks, (2) competed with them unfairly, (3) taken their trade secrets, (4) interfered with their relationships with their other affiliates, (5) and well, to be honest, we really don't understand the fifth thing, but we'll try to explain it. **Initially, we were quite flattered that they thought we had been so busy, until we read the part about the damages they seem to be seeking.**

12. The first batch of claims are related to our use of the NAMI name. We believe that NAMI will claim that we misused the words "NAMI" and "National Alliance on Mental Illness", as well as something called a "favicon". There are three points here that we would like to make:

a. The first point is that we've really been doing our best to get rid of that name, but it keeps popping up places. (In fact, let's give a quick shout-out to our 20-plus year volunteer Teresa Bomhoff for all her hard work on this project. She has truly done a fantastic job with this – and if you see her on the street, please thank her for her tireless work for our organization.) However, despite Teresa's terrific work, it's obvious that there were a handful of things that were missed, even up until this week when NAMI's lawyers pointed these issues out to us. For example, NAMI has informed us that they will be seeking all sorts of damages for our inadvertent use of what is apparently NAMI's "favicon" – that little, tiny graphic that appears on a tab of your internet browser. At this point, we believe we've removed everything mentioning NAMI (and their favicon), but many of the issues that they've outlined in the draft of their lawsuit were removed months ago, and it appears that they still intend to sue us.

b. The second point is that we have been using the expression "Mindspring (formerly NAMI Greater Des Moines)" on our website and in our correspondence. In their lawsuit, we believe that

NAMI will allege that we did this to trick people into thinking we were still affiliated with NAMI. We've been left scratching our heads on that allegation, as that was actually our best attempt in letting people know that we aren't affiliated with NAMI any longer. In any event, we've stopped using that too, but as with the item above, we believe that we will still be sued.

c. Finally, there are a handful of things that we haven't been able to change because we're still waiting on third-parties to help us out. For example, many months ago we sent a letter to the IRS to inform them of our name-change, but the IRS has not yet taken any action. Facebook requires that the IRS make that change before they will change the name on our Facebook page, as do some other third-party websites. So for now, there is nothing we can do about those things, BUT if any of you work at the IRS office in Cincinnati and can stop by Room 6403, we would welcome your help. Or if you want to play along from home, and can get through to the IRS Tax Exempt and Government Entities Customer Account Services at (877) 829-5500, please ask them about the status of Mindspring's notice of name change.

13. The second and third claims are that we've been competing unfairly and have taken their trade secrets. These claims appear to be related to the use of our email list and mailing list. When we were still affiliated with NAMI, when someone became a "member" of NAMI, they registered on NAMI, Inc.'s website and NAMI sent us their email address and mailing address. We believe that at the time we separated, we had about 190 people on our lists that were NAMI members. We believe that we have stopped communicating with those folks, and we miss them. We have also informed NAMI, Inc. that we are willing to do whatever they want so that we no longer communicate with their members, and are waiting for further direction on this issue.

14. In the fourth claim, NAMI alleges that we are interfering with their relationships with other affiliates. This one is also a real head-scratcher for us, but we think that they are mad that some of their affiliates have shared our stuff. We aren't sure, but what we are sure of, is that we would really appreciate it if they would tell us what they are upset about.

15. Finally, in the fifth claim NAMI appears to want our old domain name, and the use of our old name, NAMI Greater Des Moines. We would love it if they would create a new NAMI affiliate in Des Moines, but we aren't crazy about them using our old name. We think that would confuse

a lot of people and feel that it would be better if they just chose something new.

The Future of Mindspring

16. I'm sure you can imagine that some of our volunteer board members and our staff are really scared about what it means to be sued in Federal Court by people we thought were our friends. **But we are all here because we've overcome hardship before and we dedicate time to this organization because we are committed to helping other people overcome theirs.** So we are going to keep our chins up and keep moving forward!

17. In the meantime, Mindspring is doing great!

18. In March we set a new attendance record with 519 attendees in a single webinar on Anxiety. We had more program participation that day than the organization had in all classes combined from 2017-2019.

19. Mindspring set a new webinar attendance record in July, and we have surpassed that record nine times since then. The new record is 2,041 people registered and 813 attendees in a live webinar. Webinar recording views are off the charts and international participation has increased to an average 50% of attendees.

20. We get requests from organizations all over the world who want us to host webinars for their networks. We're doing some conference gigs too, and the next one is on October 19.

21. All other metrics and indicators indicate that Mindspring's future is bright.

What You Can Do to Help

22. If you would like to know what you can do to help, we would ask you to continue to support NAMI National. Despite our confusion for the choices they are making, we still feel that NAMI deserves your support.

23. At the same time, **our legal expenses could add up quickly**. If you want to help us with this, we appreciate you immensely. If you would like to donate to this fund, please click here https://www.paypal.com/donate?hosted_button_id=CD6B792RCRRVQ
Our great hope is to continue to spend most of our resources on programs.

24. Finally, we pledge to continue to provide all the great programming that you have come to expect from us. **Our first obligation is to make sure we keep our programs in place and continue to grow with demand**. We are a small local nonprofit who will keep your general donations separate and will not co-mingle defense funds. We would welcome you to show your support by registering for any of our programs by clicking <https://www.eventbrite.com/o/mindspring-mental-health-alliance-19159213217>

One Final Note

Finally, we want to extend our **very warmest congratulations** to our Board President, Ashley Adams, who is getting married this Saturday! If you see her on the street, please thank her for all her hard work as well. We asked NAMI's people if they could please just hold their horses with all of this until Monday, so that we could get that girl paired up, but they insisted it couldn't wait, so here we are. If you read this far Ashley, we're sorry that we're bugging you with all of this, and hope that you have the BEST WEEKEND EVER!





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