

**From:** Todd Gearheart webmaster@tarantulaspiders.com  
**Subject:** Re: Damon medius!  
**Date:** March 1, 2017 at 9:55 PM  
**To:** Shane Risley shanerisley14@gmail.com

TW

Hey man the male Damon medius didn't even last a week. I have 3 other species that I've had a lot longer and they are doing to fine. That's pretty lame man I paid a lot of money for those I think I deserve a replacement or my money back .

Shane,

Sorry for your loss. There is risk when purchasing wild-caught animals. Unfortunately, nobody has produced captive-born Damon medius so far in the U.S.

With wild-caught stock, our business terms are industry standard and have been for over 35 years.

When you ordered, you used the order form at:

[http://tarantulaspiders.com/Order\\_form.php](http://tarantulaspiders.com/Order_form.php)

and selected that you read and agreed to our business terms linked at the page:

[http://tarantulaspiders.com/Retail\\_Terms\\_MR7N.html](http://tarantulaspiders.com/Retail_Terms_MR7N.html)

The page is clearly linked off the order form and the order form refers to it twice for a customer to read and agree to those terms BEFORE submitting an order.

In those terms, it clearly states the following below. NOTE the statement about wild-caught animals:

#### Shipping guarantees:

- Shipments are guaranteed upon arrival ONLY if your temperatures are between 40F-89F.
- The high and low temperature range for the day must be above 40 and below 88 degrees to guarantee live arrival.
- Live arrival is guaranteed ONLY for shipments shipped next day service or Delta Dash. IF the carrier is late for their service time(s), live arrival policy is voided.
- We do not guarantee live arrival for any amphibian, mantid ,solifugid species due to their delicate needs, they are easily stressed and/or they are not long-lived.
- **Wild-caught animals are ONLY guaranteed 24 hours upon arrival.** Captive-born/captive-raised animals are guaranteed for 12 days.
- We are not responsible for any carrier's mishandling or damage to your box, acts of God, terrorists attacks, extreme weather or anything of the like. We keep and sell quality stock and pack very well, but once the box leaves my possession, it is up to the carrier selected to do their part. We are not responsible for their delays or mishandling.
- You or your agent must be present to sign for door to door shipments.
- Orders sent to the airport must be picked up within 4 hours of their arrival time.
- We are not responsible for missed deliveries or carrier delays.
- If you pay with paypal your order will be shipped to your confirmed address listed on your paypal account. Sorry no exceptions.
- No other guarantees or warranties are implied or offered.

Then, the DOA terms are stated below for animals DOA within 24 hours of arrival. In your case, these terms didn't apply as your wild-caught animal expired well over 24 hours. Your shipment was delivered Wednesday 2/22/17 at 10:19 a.m. You are reported on March 1 (**7 days after receiving the shipment**) the loss of your wild-caught animal. In the industry, the only live guarantees that sellers give for 7 days in on select captive-born stock. A vast majority of sellers, only give 24 hours live guarantee. We offer 7 days on captive-born stock, but your stock is wild-caught, so the policy is very clear.

#### DOA (Dead upon arrival) POLICY:

- Any DOA (dead-upon-arrival) claims must be made within 24 hours of arrival by email or phone message. No exceptions to this rule.
- DOAs must be proven by taking a good photo and email or shipping it to us or preserving (putting the invert in a zip lock bag wrapped in slightly-moist, alcohol tissue and shipped in a padded envelope within 24 hours of the incident reported.
- All valid DOAs are replaced if the species is in stock on your next order, or a credit will be issued for your next order. No refunds.
- Customer pays for shipping on any DOA replacement shipments. Replacement shipments are not "replaceable".

These are industry standard terms. I'm sorry that you've lost a wild-caught animal. We pride our business in repeat customers for over 35 years, so we would work with you to make an exception to these clearly stated policies that were documented in the order form that you read and submitted.

First, we would note that your order was already discounted \$10 per animal as your got your Damon medius for \$45 instead of \$55. With that stated, we would discount your replacement order 50% making the replacement \$22.50. We would waive the \$7.50 n/h fee. You would incur shipping costs of \$10 for the special winter box/heat pack fee and \$62 for Fedex Priority

the \$7.50 p/h fee. That would mean shipping costs of \$10 for the special winter box/heat pack fee and \$82 for FedEx Priority shipping. So, the total would be \$94.50.

Other sellers would just refer you to the business terms of a wild-caught animal shipment and have no obligation to address things any further.

We will make an exception, discount 50% your already discounted stock and waive the p/h fee.

We have made a good and fair effort to create a remedy for the loss of your wild-caught animal seven days after you received it. I hope you feel the same.

Todd