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Avow says lawsuit over grief center name retaliation for not signing deal

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A lawsuit filed by Valerie's House, a children's grief support organization, against a Naples hospice is motivated by a breakdown in talks over sharing space, the hospice claims in court filings.

Avow, a nonprofit hospice in Collier County, makes the claim in its response to a trademark infringement lawsuit that the Fort Myers-based Valerie's House filed in June over Avow's use of the name, Aunt Janet's House, for its children's grief center.

Valerie's House submitted an application June 3 with the U.S. Patent and Trademark Office to register Valerie's House and claim rights to it.

Valerie's House sent a cease and desist demand to Avow over use of the name Aunt Janet's House. Avow rejected the demand.

Previously: [Valerie's House, Avow Hospice in legal fight over children's grief center's name](#)



ICYMI: [Valerie's House prepares for opening in new Naples space](#)

Photos: [Valerie's House set to open in September](#)

Erica Loeffler, Avow's attorney in Naples, said Valerie's House has common law rights to the Valerie's House name but expects a disclaimer for "house" because the word is commonly used.

"I think they are trying to claim some rights to 'house' and we don't agree with that," she said.

The lawsuit said the two names are "confusingly similar" and Avow is using Aunt Janet's House to capitalize on the valuable goodwill that Valerie's House has established.

Avow said the name is in recognition of Naples philanthropist Janet Cohen and her gift for the children's grief center.



Beyond the dispute over the name, though, the complaint aims to retaliate against Avow for not signing a memorandum of understanding for Valerie’s House to locate on the hospice campus off Whippoorwill Lane in North Naples, according to Avow’s court filing.

The proposed agreement “was not only factually inaccurate, but it also contained outrageous terms and conditions that went far beyond anything which was ever discussed between (Valerie’s House) and Avow’s representatives,” according to Avow’s answer to the complaint.

Avow, which has been operating in Collier since 1983, often works with other charities and provides meeting space at no charge, Loeffler said.

A copy of the memorandum of understanding has not been included in the court record, although its details will come out during proceedings if the dispute cannot be resolved earlier, Loeffler said.

“It is unfortunate because it hurts everybody,” she said.

Valerie’s House attorney, Mark Niede, of Fort Myers, could not be reached for comment.

In his written response to Avow’s answer to the complaint, Niede reaffirmed his earlier argument that the two names are confusingly similar.

Avow chose the name Aunt Janet's House "for the specific reason to create confusion among consumers and donors" in the community, according to the Valerie House's court filing.

"Our only intention from the beginning was to prevent confusion with our two organizations," Angela Melvin, founder of Valerie's House, said in a statement. "We have asked Avow to sit down and meet with us to find a resolution as quickly as possible as it is best for the community and the children and families we serve."

Avow said its marketing and solicitation for philanthropy for the children's bereavement program is done under the name of Avow Kids.

Valerie's House was founded in Fort Myers in 2014 to provide a place for grieving children to open up to one another in support groups in a home-like setting. It does not employ licensed grief counselors or offer services that are similar to Avow, according to the hospice.

The two entities had been talking and Melvin, the founder of Valerie's House, visited Avow in February 2016. Avow understood the visit was to inquire whether the Naples hospice could offer space to Valerie's House to provide its services, according to Avow's court filing.

In April 2016, Melvin presented the memorandum of understanding to Avow and its chief executive officer, Jaysen Roa. He advised Melvin it was unacceptable and Avow would not sign it.

Valerie's House expanded to Collier County in 2017 using donated space.

It is opening in its own home-like setting in September in a leased residence at 819 Myrtle Terrace in Naples.

Avow opened its children's bereavement center in February 2017 in an administrative building. It announced plans in June 2018 to renovate a residence that was acquired adjacent to the hospice campus. An open house was held June 19 to celebrate the move.