

Rich Sees 3

Rich Finley <richfinley@live.com>

Fri 12/27/2019 2:27 AM

To: j

catherine

<cathy_m

Dear Toshiaki, Catherine, Ana, Tom and Jeff,

Forgive my sending this to 5 people, I picked the 5 of you as likely to be the most appropriate to send to. (And I'm actually not sure whether all of these emails are correct, particularly Ms McEvilly's.)

My name is Rich Finley Shumate. I'm 45 years old, live in Los Angeles and until June 10, 2015, I was the proud owner of a Honda CRV. I say was because my car was totaled when a driver fell asleep on the 405 freeway and hit me, wheel barreling my car into the car in front of me. My airbags didn't deploy.

I suffered numerous permanent injuries as a result of this. I'd list them but you can just watch my video below.

<https://youtu.be/n73C4NdFOJY>

When I filed a product liability suit with Honda in 2017, the perimeters of the Takata Airbag Scandal/Trust weren't clear yet and I thought maybe that fund would provide me some help as I have amassed over 500k in expenses and am disabled for life with the dynamic of triplopia, a clinical term for permanent triple vision. Sadly, the trust fund excluded non-deployments.

Honda hired Dykema to defend them. The council for Dykema deposed me for hours in 2018. Never asking me one single time how this accident has impacted my life, the toll its taken on me, etc. They said they would schedule a 2nd day to address that. And they never did. They did however offer to settle my case in August 2018 for 15k, exactly 3% of my 500k in medical expenses to date. I didn't take this personally, I figured it was an opening salvo number and I respect that's how negotiations go. Dykema's 2nd offer was lowered to 5k- now 1% of medical expenses to date-and they demanded that I immediately absolve the car dealership that sold me the car as well. When I asked my attorneys why they would actually lower the settlement amount and make these demands, the direct response was "they're just being dicks". This, among other things has led me to believe a billion dollar company with unlimited resources likely either aggressively encourages this type of treatment and intimidation or at the very least, passively allows it. But as I send this email, I want to give Honda the benefit of the doubt.

As I studied the Takata Airbag Scandal and the Trust and seeing how the Participating OEM agreement with Honda come together, it became extremely disheartening to me to see a pattern forming that is counter culture to the Random Act of Helpfulness campaign and the Helpful Honda People. A campaign that has repeatedly maximized the use of disabled kids and adults in its ads. Showing what a big heart Honda has towards those with disabilities. I would hope that I, a disabled person injured in a Honda vehicle, would garner that same amount of empathy and compassion. Even though a camera wasn't on me. Well...at least it wasn't then.

I realize Honda is a big corporation. And when human beings are involved sometimes things may slip through the cracks that are not in line with that company's purported value system. I'm sure there are many wonderful people at Honda. Perhaps even on this email chain. It is with that consideration that I am sending this email and an unlisted link to my You Tube video "Rich Sees 3: What's Up Honda" to you before it goes live on Friday at 1pm pacific. It will be on YouTube, Facebook, Twitter, Instagram, as well as shared with friends, business associates, mentors, celebrities, athletes, coaches, etc I have amassed over 20 years of living in Los Angeles.

My video is factual, not liable or slanderous, and my free speech is protected in this as is my use of satire (For an example, see John Oliver and Last Week Tonight's very public spat vs coal billionaire Bob Murray. Last Week Tonight by the way, A LOT of really nice, sharp people over there). I definitely subscribe to the belief shared by Honda's Catherine McEvelly-who I have a lot of respect for in all that she has accomplished in over a quarter of century at Honda-that "With knowledge comes competence and with competence comes confidence."

My website is www.richsees3.com is not live yet, but will be by 1pm pacific time Friday. I think my personal story as well as this overall dynamic of Takata, the trust fund etc. is something that the world should hear in a condensed, educational, and entertaining way.

I really wished Honda and I could have reached a settlement about this that we both were excited about. Or that I could have been a part of the Participating OEM agreement with the Takata Airbag Trust. My life has been a living hell since my accident. Seeing 3 of everything at all times and knowing it is permanent is an extremely hard way to live. All I have wanted is some retribution and security. But that's not really seeking a Random Act of Helpfulness but an intentional one. Moving forward, I would hope Honda will always keep in mind the words of its founder Soichiro Honda: "I want you all to realize that moral behavior and becoming a better person in this world is the result of the feelings of empathy and compassion."

I just wanted to be fair and decent and give Honda a heads up before this first video goes live at noon pacific time on Friday on the website, YouTube, social media, etc. And maybe I'm too insignificant that this doesn't matter to Honda. Which as the little guy, I would respectfully understand that corporate stance. If you would like to speak with me, not through hired guns that I do not trust, but through direct Honda contact, I would be amiable to that.

This isn't amount money anymore for me. I have lost so much, and no money is going to return my quality of life. It's about respect for the truth. Not just mine but Honda's as well. And I'm extremely curious to see where things will go as I just got booked for my first interview with a major podcast about all of this.

Thank you for reading and I hope everyone at least had a good holiday as I didn't want to send this any earlier to disrupt anyone's Christmas.

Sincerely,

Rich Finley Shumate
richfinley@live.com



Correction email: RichSees3

Rich Finley <richfinley@live.com>

Fri 12/27/2019 11:50 AM

To: cathy
<toshiaki

Dear Miss McEvilly,

My apologies as I emailed you last night on an email to Jeff Conrad, Tom Shoupe, and Ana Brown. Bounce backs for you and Mr. Mikoshiba occurred because I had the wrong emails. Please forgive me for that. You will see mentions of a 1pm time today-Friday-but due to the mixup on the email, I am happy to delay to 4pm pacific, or longer if you specifically let me know you would like time to catch up on this. I'm trying to be respectful as I'm sure this is something outside of your knowledge to this point. Below I continue with my original email:

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Sincerely,

Rich Finley Shumate
richfinley@live.com



Random Facts of Hondaness

Rich Finley <richfinley@live.com>

Mon 1/13/2020 9:38 PM

To: cathy.

Cc: richfir

 2 attachments (522 KB)

Neuro Report.pdf; Trips Updated.jpg;

Dear Ms McEvilly,

Its been a couple of weeks since I first contacted you. My video link I shared across YouTube, Twitter, and Facebook had some modest traction in what was essentially a beta test. But it's growing. My first episode of Random Facts of Hondaness dropped tonight is titled 1,729 Problems.

<https://www.youtube.com/watch?v=QDNEREGkhQk>

Since I recently relieved my previous counsel, before I signed with another, I wanted to take the opportunity to attempt to reach you directly, as since I am not a member of the state bar, I'm not bound by the rules that limits me to only contacting your company's outsourced counsel. Which, after the way I've been treated, can you blame me?

More videos will come including the next one next week which will be an open letter to Honda and yourself.

In learning about you, you said you started out as a public defender and became a lawyer because you wanted to make an impact and help people.

Well, you literally could do that for me. Ms McEvilly, I am PERMANENTLY disabled, with triple vision for the REST OF MY LIFE. By not allowing any counsel or myself to talk with you directly, I am unable to attempt to even get any liability insurance money from the dealership that sold me my Honda CRV..

Your hired attorney offering me 15k to start, when my medical expenses are over 500k to this point, and then lowering that to 5k for NO HUMANE reason was an outrageous show of cruelty and disrespect and viciousness. I'm sure he'll make partner soon at his firm for being such a killer.

I have already heard from many people who watched my first video and indicated they will never buy Honda again. I kept quiet about all of this for over a year, but with no amicable resolution, I will continue to educate the public and build the conversation about Takata, corporate bullying tactics and companies holding the large chip stack at the table as

leverage against the little guy. Upon learning more and more, I've become incredibly passionate about it. And you should understand, with my future-and vision-so ruined, the accident and the way I have been treated has to amount to SOMETHING positive. And if that can only come from enlightening the public, then so be it.

I would gladly talk with you about this, or if you personally want to speak lawyer to lawyer, then let me know that and I will quickly greenlight someone on my list. I want to believe good things about Honda and yourself. It's early, and I have no directly reason not to believe in you personally. But a prolonged silence over the way I, someone disabled while behind the wheel of a Honda has been treated, is extremely disheartening. And not helpful.

I'm including a report from my neurologist just so you can see it. As well as a picture of me showing my triplopia (if you didn't see the example on my last video).

Ms McEvilly, Catherine, I'm legitimately HURT. And for the rest of my life. Please think about that. I know you could deal with this directly because the executive management of Honda **trusts** you. You said so yourself in your interview with Yitzi Weiner. We could reach an accord on this. You could even propose it as a Takata write off expense if you wanted to be creative in justifying it.

Regardless, I hope that bright eyed, hopeful public defender is still in there somewhere and still wants to make a difference in someone's life.

Thank you for reading.

Sincerely,

Rich Finley Shumate



April 1

Rich Finley <richfinley@live.com>

Wed 4/1/2020 2:30 PM

To:
Cc:
<ri

 3 attachments (1 MB)

Dykema letter.PDF; Dykema letter 2.pdf; All Rich's Emails to Honda.pdf;

Dear Ms McEvilly and Mr Whitefield,

In light of all that we are all currently facing as a community and a country and the world right now, I want to extend my sincere well wishes to you both, your families, and your staffs that I hope everyone in your life is safe and healthy from the coronavirus. We may have our current dispute over my becoming disabled with triplopia/triple vision and other permanent issues from my 2015 accident and my case against Honda, but our current climate deserves compassion and kindness. So I hope you are safe.

I wanted to reach out to inform you of the events occurring since I received Mr Whitefield's letter sent out on Jan 14th 2020 (attached) in which he made this curious statement:

"This letter also requests that you cease and desist from making any further racist, xenophobic, or discriminatory statements about our attorneys or our client."

I did nothing of the sort. I have not said one single thing about anyone's race, origin, sexuality, gender, political preference, and so on. And there's not a shred of racism, xenophobia, or discrimination anywhere to be found. Now I can understand Mr Whitefield's position of being quickly brought into a situation after my 2nd email to Ms McEvilly, and I'm sure the frustration he felt in being tasked with addressing it must have played a role in him using those caustic words. Sometimes we react instinctively with tactics that have worked for us in the past, especially if we are in a pressurized and upsetting situation.

It was however a vile smear on Mr Whitefield's part, when the only communication I have engaged in about Dykema, Honda, and Ms McEvilly are in the form of emails and videos which are easily shared with people such as reporters, media hosts and

the public at large at www.richsees3.com who find falsely using identity politics to further bully a disabled plaintiff to be disgusting. And every single thing I have said is documented and available for anyone to review. No viable way to twist my words. You either read it directly from me (previous emails attached) or hear it directly from my mouth (videos at www.richsees3.com).

I don't know if Mr Whitefield has faced personal persecution in his life before. I would sincerely hope not. But sadly most self-professed "forces for good", as Mr Whitefield describes himself on his Twitter profile, *have* dealt with persecution. That's why they want to be known as a "force for good". Derek, if you have faced discrimination, you have my empathy for that. I'm sorry you went through that. But then you should know claims of racism, xenophobia and discrimination should solely be used for the people that *actually* commit those acts. For anyone to recklessly throw around the words racism, xenophobic, and discriminatory because they were quickly brought into a situation, assessed me as a straight white male plaintiff and at best simply assumed I am probably one of the 3 if not *all of them* is as sloppy and inaccurate as it is offensive. Merely saying it does not drop me down to that level and justify those false claims. It will not make me overreact and be rude or inappropriate. And I will not be intimidated by it if that was the intention.

Mr Whitefield has a self-admitted history of using *anything* to his advantage and sharing his proudly held personal mantra *What's Great About This?* Even the visual of Ashley Moore, a C1 level, paralyzed, ventilator-dependent, 7 year old girl who was a Honda plaintiff, being wheeled into court with her grandparents, her maid, and her helper dog. Mr Whitefield's publicly shared initial reaction *as Honda's attorney* in that case, admittedly to a room full of attorneys years later in a public video on the internet available for viewing and downloading, was "And I thought to myself...How can I *use* this? Because there wasn't apparently anything great about it (the sight of a C1 level, paralyzed, ventilator-dependent 7 year girl)...but there was. It (the sight of a C1 level, paralyzed, ventilator-dependent 7 year old girl) gave us an opportunity to *demonstrate what good people we were in front of the jury...*" <https://youtu.be/TZhHPIRAcTg?t=1086>

Ms McEvilly, you're well aware of this case of course I'm sure, as you were with Honda at the time of Ashley Moore's lawsuit. But I highlight this specific example because it helped me to understand Mr Whitefield, and Dykema, and therefore Honda even more. And it helped me not take the smears TOO personally. They were just a vicious tactic. And in Honda, Dykema, and Mr Whitefield's eyes, I can only surmise that plaintiffs, even the disabled ones, are merely enemies to exploit and/or intimidate into submission. I completely respect the need to defend yourselves from a lawsuit, and I'm sure there are b.s. ones all the time that I'm sure helps you develop and justify a callous and vengeful nature of defense. I am not one of those cases. This has been extremely disappointing to see in light of Honda's carefully crafted public image of being helpful. And something that I would never have suspected of Honda when I proudly got my CRV in Nov 2014. I thought I was supporting a company that was focused on the consumer. Focused on being helpful. They even use sick or disabled children in their ads to demonstrate how helpful they are. I've been writing vigorously about the duplicity of it all.

I decided after moving off two law firms who were each intimidated by Honda and Dykema, who were clearly forthright of their fears of getting outspent by the unlimited resources at Honda's disposal, I decided to take Mr Whitefield's letter, and my situation, and seek out professionals with more of a working knowledge of Honda and Dykema, and who have *not* been intimidated in the past by their tactics and would not be intimidated moving forward. One of my attorney referrals came from a CBS 2 On Your Side news reporter, who upon seeing all my materials calls it "a great story" and connected me to a few firms with Dykema experience, one of which who I was told "salivates every time (name) hears the name Honda" which was thrilling and a little awkward to hear at the same time. lol

Quite frankly, others, be they reporters at FOX, other attorneys brought to me, producers at prominent talk shows like Dr Phil for example, or even accident reconstructionists, when they look at my materials, and then my emails to Ms McEvelly, and then the subsequent Whitefield letter, the frustration over corporate bullying tactics like these leads to the opening a lot of doors and a lot of people wanting to stand up to, and call out such actions. I have had fees waived, tests run, and more all in interest of standing up for what's right.

Before the coronavirus hit, I had started rekindling relationships with multiple professional speaking bureaus that I was a member of previously when I worked as a public speaker from 2006-2011 like the prestigious Washington Speakers Bureau out of DC to name one. I have been a TEDx speaker in the past and was scheduled to be a TED speaker on the topic of living with adversity (my triplopia and other challenges from my accident) and the importance of standing up to bullies no matter how big and no matter the outcome before large events started getting canceled. Things were getting extremely interesting and exciting on multiple fronts when the virus hit America and understandably and justifiably, things must get put on hold for the time being.

However, as I said before, I do believe compassion in these times is important. So, in the interest of giving that, here is a transparent view of where we are at and an attempt to resolve it.

I have been in contact with the Santa Monica court where our case resides. The same court that informed me that a request for an ex parte hearing was never actually submitted for Jan 27th, 2020. Which would make sense why I received a Dykema letter on Jan 25th, 2020 (attached) saying the ex parte request had been "withdrawn" in the "interest of judicial economy". My date of dismissal was questioned by the clerk due to our never having had a conference, and due to information I shared with the clerk's office, and the knowledge that everything with all cases are in flux and delayed due to the virus and the fact that Dykema actually refiled an MSJ with a date of Oct 2020, the ability to extend the dismissal date due to the coronavirus, and all of the above is something that the clerk's office finds to be extremely likely.

And if I wasn't clear before, I have taken great pains to vet out and whittle down more appropriate legal representation options with Dykema/Honda experience. And I am very happy with my selection and what has been offered. And yes it's the salivating place. lol But I will wear a hazmat suit before I have to go in there and sign anything.

Since Mr Whitefield mentioned in his letter "if you wish to discuss this matter further, including resuming settlement negotiations, please do not hesitate to contact me " and in the interest of potentially saving myself anywhere from 33%-40% (if going to trial) of an acceptable settlement and due to the chaos the virus has brought to all of our lives, before I go and officially sign with a new firm (because some people don't want you being interviewed on tv or sit down with someone like Joe Rogan or Dennis Prager (who I have been a guest on before), or publishing a lengthy Medium.com post with video aides, etc once you are *officially* a client because it creates more headaches for them, which I respect), I wanted to suggest that after or even before the new 30 day coronavirus restrictions are lifted at the end of April, we schedule a mediation in an attempt to resolve our dispute.) The party reviewing any settlement language, would come at a much lower percentage we have already agreed to, understandably if I have done so much of the work on securing an acceptable settlement. If we are unable to come to a deal then I will move forward with the options available to me.

If you like, please provide me a list of mediators you think you think would be appropriate. I would also recommend you loop in the attorneys for EZ Cars 101 who have hitched themselves to any efforts on Honda's part and those are potential funds via the dealership's liability insurance that could be added to any negotiations. Please stop allowing them to hide behind Honda. That is a resource Honda and Dykema should take advantage of in resolving this matter.

I could provide a properly proposed settlement package, but I think our mediating would be a better option. And, with civility being adhered to, with no creative tactics or further smears against me, I would be open to considering to keeping this process confidential. For that to occur, please do not resort to bullying me, threatening me, or smearing me any further in response to this email. Even if it's in a private, Fed Ex letter like before and therefore not legally slanderous, it would still not be a show of good faith and will not be helpful to your efforts in this matter.

I have included Ms McEvelly in this email to, once again, make sure Honda is 100% aware of all actions/tactics done in their name by Dykema, and if Honda has no problem with false accusations of racism, xenophobia, and discrimination on their behalf being used against a disabled plaintiff, then so be it. I merely, once again, am giving Honda the benefit of the doubt just like I did when I informed them of the previous treatment of me.

I am not trying to badger anyone or overstep my bounds. I do not wish to continue contacting Honda over this. I would like to see if there can be an amicable resolution of all this. I am disabled for the rest of my life. Nothing will ever change that. And I am not brazenly trying to violate any codes. But I am trying to make sure everyone here operates with honesty and

transparency about our issue as I attempt to resolve it and I'm sure any reasonable person or entity would understand and respect that intention and see why I would have concerns of transparency after everything that has happened to me and been done to me and said about me in private by a company that touts their Random Acts of Helpfulness in public. It's been extremely disappointing to see.

And with the fact that we all should be evaluating what is really important in life these days, I am optimistically hopeful that the viciousness exhibited to this point can be removed from this dynamic and this matter be dealt with respectfully, openly, and with civility.

That desire for transparency is why I have also CC'd Dykema Chief Operating Officer Paul Boken and Dykema Professional Development Director Morgan L Smith in this email. To Paul and Morgan, I do not know you and have had no dealings or disagreements with you. I extend to you both my respect and I hope you and your loved ones also are safe during our national crisis. My frustration and disappointment is in no way aimed at either of you. If all of this is appropriate and endorsed Dykema behavior, while I may not agree with it personally or feel it reflects the midwest values Dykema touts itself for, I will have no question that this is simply Dykema strategy against any potential opponent, disabled or otherwise.

I'm trying to be responsible in there being ZERO plausible deniability in the chain/exchange of information, etc in the story of what is going on here and how I was dealt with and my future telling of that story. That's why this email is so lengthy and exhaustive. My apologies for that. This legal case *will* go away at *some* point eventually and Dykema will be glad to not have to deal with me I'm sure. And I can partly sympathize with you there. I'm pretty dogged and I'm sure I'm a pain to deal with when I see someone being bullied. It's odd for me to be defending myself from it. I'm usually taking up for other people. I just don't like bullies. No matter how big they are. In fact, the bigger the bullying, the bigger the response.

I try to be a good person. And full of compassion and empathy. But do not think of me as an idiot. I will stand up for what is right. Even if it doesn't directly help me but only serves to educate and inform and empower others. Because while my case and this adversarial relationship with Dykema will come to an end at some point, my brain injury, and my permanent triple vision, and the *story* of what happened here with me and Honda, and the treatment of me that Honda was 100% aware of, and 100% OK with, and the accuracy of it all, will also be permanent. And it's all true.

And for me, as I look for a silver lining in everything that's happened to me, that's potentially what's great about this.

I hope you will agree with me that attempting to amicably resolve our dispute is a good use of our downtime. And if you no longer wish to renegotiate, please let me know that as that will influence my next steps. I will assume you do not wish to negotiate if I have not heard back by the end of Friday April 3rd 2020.

I am keeping extremely busy during the lock down as I just received a lot of gifted video equipment, green screen, editing equipment, SEO connections, etc. from people who have become aware of my story and I'm busy launching a You Tube channel as I rebuild my public speaking/commentating platform. https://youtu.be/XOIAeU8A_dA

I hope you are trying to productively enjoy your downtime as well. I look forward to hearing from you about mediation options. Be safe.

Sincerely,

Richard Finley Shumate