

iMessage
12/8/23, 10:37 AM

Mattdmiller8@gmail.com

12/8/23, 2:36 PM

Matt,

Derek Plotter, CEO of Solar First, has scheduled 2-2:30pm on Tuesday. Don't want me to add you using your personal email or the one above?

mmiller@swartz-legal.com

"thanks would you be able to send over discussion items in advance so we can review?"

^ his request to us

And do you prefer we communicate by email or text

No preference email or text

Ok and I have all the details in one spot ready for me to organize in lay out a story for you today and tomorrow

Discussion items: outstanding unreimbursed expenses and whether they're going to offer a severance. Am I missing anything?

He has already said no to severance in a previous discussion

Don't go crazy with it. I mostly need to know to what extent, if any, are there agreements in writing other than the unsigned portions.

Ok

Then from your standpoint it is the unreimbursed expenses. Anything else?

Obviously there's more that you want out of this but I think that comes after they tell you what they want

*Attachment stored in iCloud:
IMG_0109.PNG (Image)*

I'm unsure if things like this email from June count for what you're looking for, but this is in writing and not at all what happened there after

The subject line says: Offer Deal Points .. cut off

I'll make it simple and just get you what you need and I'll bundle it up soon for you. Thanks again for all the help.

Those types of things yea

Ok and commission owed. Was asked to sell and did . I'll add it

And we were told our benefits would be 100% employer paid and the plan was reduced in quality then 80% of the benefits cost was coming from my paycheck so reimbursement for that.

Calendar invite sent

Thanks

12/11/23, 8:56 AM

I shared a Google drive I'm putting together for my and our records. There are 4 categories of funds I can put on the table and I'm almost done calculating the last one which is the expenses piece. The rest is there. The financial totals are at the end of the summary doc. It's a little messy but is starting to tell the full picture. I'll finish the expenses piece today and text you when I'm done this afternoon . Either way, we should be good for tomorrows call since we are just listening

12/11/23, 5:45 PM

Hi Matt, do you want to touch base in the morning ahead of the call at 2pm?

12/11/23, 7:07 PM

Definitely. Reviewing the file this evening. May email you some questions ahead of the call. Let's talk at 10 if that works.

Here is an update not in that doc...

Edited

If they want two years non compete, it costs two years salary.

Those numbers in that doc aren't what we should be targeting.

There is precedent for two year gardening packages for my role

Edited

Sounds good

Do you have any other emails or communications than the one you sent me?

You're looking for communication specific to the offer and terms right? I've combed my slack messages and nothing there. The company AI call recording platform is full of conversations I can look to in full

There are many conversations about the terms changing or his frustrations about this or that

Okay. No need to look for more before the call

I will probably take a look anyway. I can call you cell at 10am? or how do you prefer

That works

At the end of the day, whatever we have in writing or not, they want the CIIAA signed and can't move through their series A fundraise without it so doesn't it's depend more on "how valuable is me signing it to them/their investors?" . Can discuss tomorrow just thinking it through

It is always a matter of how much the other side is willing to pay. The more reasons you can give them to pay you what you want the better. The angle with the communications is to see whether it can be argued that a contract was formed and they violated it, which would create liability for them and yet another reason to pay you. That's all. But really, even if you do find something, it's not going to come up during the call so don't feel pressure to look

Ok thanks matt talk tomorrow

12/12/23, 1:13 PM

Please take a look at the revised "1. SUMMARY OVERVIEW" google doc

I've updated everything to see look-back and look-forward amounts

Ok it's all done just added a couple notes but I'm free now until 2pm for a quick review if doable or needed but def take a look at the doc please before call

Calling you in 5

Google meet

Right

Not zoom, google meet

Yep

12/13/23, 9:44 AM

I had a previously scheduled call on the calendar for this afternoon with Derek and another colleague to address "Offboarding"...do you recommend cancelling it or still attend the meeting ?

I think it's fine to attend

But if anything comes up re the confidentiality agreement or reimbursements you can just say you're working on the writing as discussed yesterday

12/14/23, 12:17 PM

Hi Matt, I shared info to your email for the letter super early this morning. I feel it's now accurate, but arrived to you later than planned. I decided yesterday to push the offboarding call with Derek to Friday so that did not take place. Derek is messaging me asking for an update. What timeline should I provide him being courteous to your schedule

12/15/23, 9:46 AM

Morning,

Melissa just reminded me of some medical costs we incurred Derek offered to reimburse for since they were supposed to be covered, but weren't.

i shared a google doc last night for the final draft topics we discussed. It's good to work off of. I just wrote it out for my own thinking.

I'm sitting down to add those numbers and will add a sentence or two to note it in the letter under medical reimbursements but this won't hold you up just letting you know

Great thanks

12/15/23, 12:24 PM

Almost done

Thank you for the update I'll add in my mentions from earlier when I get it. The numbers shifted. Thank you again

It's a Google doc in your folder: draft letter.mm

I've highlighted the health benefits in red because I think you should consider taking them out given the amount and what you're looking for them to pay. I don't feel strongly about it though

So remove entirely? I'll be in comp in 5

That's what I think you should consider. So that you are standing on the most important items and something like that doesn't become a way for them to distract from the big picture

Ok. Want to review before I send ?

Or if I feel good about it and no major change just send?

I'll take a look now

Just getting started on it nothing changed

Oh ok

Can text in 20-30 min when done

Lemme know

Sorry that was confusing on my end

Is this typically written in first person ? Or should there letterhead on the final version you mentioned ?

Since it's coming from you and not me it should be in first person

I go back to wondering if it's stronger on letterhead written by a lawyer on behalf of a client but certainly take your direction on how it's presented

I think it's better to keep it as non-adversary as possible

Plus if you have to get a Florida lawyer it's not ideal to have a previous lawyer that involved. The perception of changing lawyers isn't great.

Ok so not from your firm's letterhead, rather in a PDF I attach and send here shortly. i'm fine with that. Makes sense. Include you on cc or leave out?

bcc'ing me makes sense. You've already shown you're willing to get a lawyer

And the less reasoning or examples of how I got to a certain number is a risk in this kind of letter i presume ?

You're submitting all the support for the expenses right? So that covers that. The other things don't seem to require much explanation

Especially since you're asking them to provide an explanation of the commission calculations

True

Let them go first

They just text me this morning saying they are "refunding a deal" I sold saying the man is too old and they don't want the risk of being accused of taking advantage of the elderly. The guy is old but 100 percent in tune. They are playing odd games. Ok I'll tweak it all and get it out here

Great

Yea that's weird

12/15/23, 6:16 PM

Decided to step back before sending as I went down the path again of likely adding maybe too much but detail I feel it needs. It felt soft to me and I wouldn't think the writer is serious or well thought of but maybe that's the strategy and reminding myself this isn't my field to judge strategy. Melissa and I like what we added to yours but don't want to put something in writing that a lawyer would use against us. Could I please flip you a revised draft before we send anything stupid? It's Friday night and I'm not worried about it arriving tomorrow or whatever so not to stir any rush at all thank you matt! Truly thank you

Edited

Send it over

You're sophisticated and have plenty of negotiation experience so you shouldn't send it until you're comfortable with it.

Most of my input is based on negotiation experience rather than legal expertise

in the letter that is

My perception is Derek knows these numbers and how you got to them so simpler was better. As opposed to if it was being sent to a mediator who doesn't know anything about the situation

I think I may know them better than he does. He know the terms better but he has struggled through understanding comp plans for incentive based roles and has never delivered me an agreement that we didn't both agree needs edits. The second draft had a start date that was after the end date, etc . So the more I read the contracts, and look at the unreasonably delayed delivery of inaccurate agreements, with all the errors and such, the more I see more clearly as to his weakness

https://docs.google.com/document/d/1bfAj4kZxSokOI_u3_vy3KYYAkOf7zaTm5w6UCONqJSw/edit

And I'm finding correspondence between us. He asked me in June to share the live notes I was taking while talking through the terms of me starting. He requested those notes of mine which I shared. he wanted to translate those notes into the contract terms . It's the same terms he then put into that single email I shared bulleting what I believe I should be paid on this whole time . I can share the evidence I've gathered on that correspondence

Edited

It makes for good advice tho to be careful. Overall, numbers are his thing far more than mine

I don't see the value of the highlighted portion

And I think you fly too close to a claim that the unsigned employment agreements are enforceable, which begs the question of why the unsigned CIIAA agreement isn't also enforceable

But other than that I don't see any concerns from a legal standpoint

Ok I know what to remove

Won't need a last look so thanks for taking a look here. Feels good the long work is behind me thanks again

Fingers crossed!

1/3/24, 10:46 AM

Just emailed you 2 referrals

Waiting to hear back from another lawyer who may have recommendations

1/3/24, 4:10 PM

Thank you!

1/30/24, 12:47 PM

*Attachment stored in iCloud:
Screenshot 2024-01-30 at 12.46.48 PM.jpeg (Image)*

Thank you again. I'll share updates as they progress. Slow to move finding a Florida lawyer. The referrals were good but weren't for me. I did mention you guys of course.

I have a couple other referrals I'm in talks with so all set and again, thank you

1/30/24, 1:52 PM

Thank you so much for the kind words

Hope you can find someone

Thanks. I Just got a call back and agreed to take next steps with the attorney I was hoping to get. oddly enough since I texted you earlier not sure if someone would pursue with me I now have someone with an optimistic (albeit early for sure), perspective on the details . Still some unknowns she's going to gather details around. I'll let you know how it all goes

Great!

2/29/24, 3:35 PM

Hey bud, just wanted to share a quick update. Went with Scott Law Team - Debbie Baker, after lots of looking around. Was like \$7500 retainer. \$475 an hour. Is what it is.

She sent the legal Representation letter last week letting them know not to contact me and that my lawyer is reviewing separation terms.

The Week of March 11th the demand letter goes out with a window of dates to respond by.

My due diligence report was 116 pages so hopefully it's organized in a way that helps Debbie, my lawyer, finalize what goes in the demand letter. Florida is a brutal state for my circumstances. But we stood up and are fighting.

Just wanted to keep you in the loop. I'd be lost still without your help initially, so thank you again.

3/19/24, 8:09 PM

So sorry I never responded to this. I would remember and then keep forgetting. Thanks for letting me know. Really hoping it all works out for the better!

All good. Demand letter draft just arrived in my inbox . Shit takes SO long ha! Learning a lot. Thanks for the text and no problem always a big thank you for supporting

Delivered

Liked "All good. Demand letter draft just arrived in my i..."