

May 13, 2018

FROM: David E. Howe, Plaintiff

TO: Counsel for Enterprise Holdings, Inc., Tortfeasor

RE: Settlement demand

Dear Counsel: You certainly have a very unusual client, Enterprise Holdings, Inc. and their companies National, Alamo, and Enterprise Car Rentals. At least from my perspective. You see, it's really difficult for me to believe that Tortfeasor's organization doesn't just step-up-to-the-plate and acknowledge their harm. Again, this is just my perspective -- having been a successful, and ethical, participant in the corporate world for many, many years.

I work in the telecom industry. And telecom companies have made errors too. We're all humans. And we even have employees who REALLY screw-up. Just like Enterprise agents and management at RSW have done, repeatedly. The difference, however, is that the errors don't involve intentional bad behavior -- aka fraud -- like the National Car situation at RSW.

Oh, I'm sure there are plenty of incidents of criminal behavior involving innocent customers and others, I'm just not personally aware of it at the corporate level, at least as it relates to my professional employment over the past couple of decades -- and, especially, not the way it's exacted by the car rental industry with such impunity and incredible frequency.

However, if an error is made, then we also offer commensurate compensation/correction in the form of credit, refunds, or by some other terms that the harmed consumer may request. Where I'm from, when harms are committed, senior executive management gets involved.

Shockingly, your client didn't offer a damn thing after it became aware of the theft and fraud attempt that I exposed to media, law enforcement, and others including Enterprise corporation.

That's truly remarkable, don't you honestly agree?

By the way, did you know that I called the corporate office and left a message with "Rose" asking to discuss settlement of this case? That happened at the same time the federal civil theft and fraud suit was dismissed as a result of the predatory -- but, admittedly -- effective arbitration clause. Of course, surprise, I never received a follow up call from Rose or from anyone for that matter. And never has the corporate office contacted me to ask what I thought was fair; they never offered a sincere and written apology for their agent/manager's truly incompetent, inconsistent, illegal, and stunningly punitive behavior with this entire debacle.

I'm wondering, is anyone actually working at the corporate office in St. Louis? Is there a corporate office? I genuinely inquire. Perhaps they're all on the golf course. I don't know. It just seems so hard to believe, the absence of corporate and senior executive involvement in a matter such as this.

But, perhaps the silent treatment thing has proved a very successful strategy for the industry – and for the vast majority of cases in which the industry has a renter who is simply going to ‘roll over’ and take this kind of outrageous treatment and abuse. You know, like my cousin who I’ve mentioned to the nation, along with his young-adult daughter who was ensnared in the ‘ding and dent’ scam. Ultimately, she didn’t have any evidence to contradict the damage claims at rental return. So, as my cousin acknowledged to me...the family relented and paid...in part to ‘get the predator off her back’. Actually, I think she may have been given the line...‘hey girl, if it’s smaller than a golf ball, then girl don’t you worry about a thing; ain’t no one going to bother you over that little thing’. I imagine that’s about how it went.

Please, however, do accept my apology since I didn’t conform to the expectations and behavior of this otherwise successful – I guess – policy that may well have been unchallenged prior to my particular victimization. It’s just not my style.

It’s actually, according to 23andMe.com (DNA) profiling, not even in my genes (I have the warrior gene, so the data says). I bet you’re surprised to learn this, counsel!

In any event, I’ll make another attempt at resolution. And I hope the Tortfeasor takes this request seriously.

Very, very seriously to be more precise.

And if you’re wondering about my strategy, then I’ll offer this quick preview. Here it is:

If there’s no contact from your client with a response to the demand I am providing here, then you should expect a pleading from me to the court to SANCTION DRASTICALLY AND SWIFTLY Tortfeasor for the intentional and contradictory SPOILIAGE OF EVIDENCE; you should expect a pleading from me asking the court to set aside the current maximum damage amount of \$5000.00; you should anticipate the possibility of a pleading to allow the Plaintiff to proceed under Florida’s ‘Civil Theft Statute’. And you can absolutely expect each action will be PUBLIC and NATIONALLY distributed.

What a joke that is, by the way, a \$5000.00 civil limit. But don’t get too excited by the court’s limit. Your client will be paying much more than \$5,000.00 when this is said and done.

Expect approximately one million to wrap this up.

Anyway, here’s my favorite part of the preview: you should expect additional subpoenas for production. Probably 3 or 4 as I review the facts, particularly the items contained in the Lee Port Authority Police report.

To be sure, one of the subpoenas will be for production of Enterprise Holdings P&L statement, as well as salaries for corporate officers including CEO Pamela M. Nicholson. I’ll review the legal literature as well, to determine if there may be other items from corporate that have been successfully used by Claimants (that’s how I stumbled on Spoliated Evidence...you have to love the power of GOOGLE!)

From what I can tell from the car rental industry, at least those agencies that are public, my guess is CEO salary at Enterprise is somewhere north of \$5000.00 hourly, based on 2080 hours. Imagine, for a moment, how the renting public will consume news like this – especially when it's presented in hourly vs. annual terms. In other words, a CEO earning \$10 million is certainly a huge amount but it's also just an arbitrary number to most people. But when it's expressed in hourly terms – like the paychecks for millions of hard working women and men – suddenly a single individual earning thousands of dollars an hour seems sort of scandalous. It makes a person question how so much money could be available to pay such a fat salary. Where does all that money come from? Hmmmmmm. I wonder.

Of course, despite my lack of legal prowess, I'm sure any legal objection that your firm may raise to the subpoena seeking financial information may well be favorable to your client, but on the other hand it will also be favorable for my editors in Cleveland, New York, and San Francisco. As you may imagine by now, they are all begging for more and more headlines and more and more content from the victim, namely – ME.

So, I'll be fair here. And like Tortfeasor, I too want to wrap this up for the benefit of all parties involved. Honestly, the extra effort of hiring an agent to book me on very well-known national shows, with very well-known personalities to 'SHOW AND TELL' Enterprise Holdings' 'tactics' at RSW and elsewhere, including but not limited to October 29, 2016, seems overwhelming at the moment. But that too is in the very real realm of possibilities, to be sure.

But, if that's what it takes...then I'm all in. Yes, count me in.

Most likely, if the agent-thing and the 'show and tell' should happen, then your client can expect, among other sordid revelations about the industry that are already in the hands of the FL AG and US SEN Marco Rubio's office, that I will be calling for a BOYCOTT against the organization.

That is at least until some of my reasonable demands for more uniform and predictable standards are met.

Demand following civil/criminal fraud, theft, negligence, etc. related to National RSW TORT, and including for the DEFAMATION and EMBARSSEMENT and HUMILIATION related to the two public reservation denials at PSP and FLL. Also, for the civil theft – and despite the civil victory on this matter in Lee Clerk a year or so earlier – related to the \$240.00 illegal drop fee (aka UDAAP) that was stolen at SAN with my family in toe and with little options in southern California during peak travel times.

\$750,000.00 USD. Payable to victim David E. Howe (likely less than one month of Enterprise CEO salary)

\$250,000.00 USD which will be publicly donated to the 'Innocence Project' by me (and Enterprise if preferred) (likely one week of Enterprise CEO salary)

From my honest perspective, and with Enterprise CEO salary and my own salary (high but nowhere near what Enterprise CEO is paid, that I can guarantee) in mind, I believe this is reflective and fair following one and a half years of human misery and distraction, to say the least.

I also believe, for the record, this is a fraction of what a jury would award under special PUNITVE damages – had your client not stacked the justice system in its favor via the predatory and outrageous ‘arbitration clause’. Frankly, your client would be looking at > 10 million in punitive.

And maybe you think this amount is outrageous and off-the-charts. But just so you know, I’m taking some advice from one of your peers...up the road in West Palm Beach. The fellow Juris Doctor told me to ‘make sure they feel it’; ‘make it hurt’.

Of course, for a behemoth that generates billions of dollars annually, that’s hardly a pinch I’m sure – what I’m seeking as equity.

But just so you don’t forget, my young cousin who had money stolen by Enterprise Holdings’ predatory scam, it actually did hurt. And that’s on my mind constantly. The very real and very serious pain the car rental industry exacts on the lives of real people. Shame Shame Shame on your client for its deeds.

Indeed, that’s one of the reasons you will pay. Either directly to me...or indirectly because of my efforts that will continue well into the future. And the ultimate amount that your client will pay, YOU CAN TAKE IT TO THE BANK, will be FAR, FAR, FAR, more financially painful. Believe me.

Please counsel, convey this message immediately to your client. Unless there is truly breaking news that I feel compelled to share with the nation, you can expect a few days reprieve while you mull over this demand.

But please counsel, don’t also rest on your laurels. I expect to have an answer to this demand by 5 P.M. EDT, Wednesday May 16, 2018.

Yes, silent treatment no more! Silent treatment will not help. Silent treatment will fail and it will make the effort thus far seem like a ‘stroll in the park’.

Thank you and I look forward to hearing from you with the details of settlement offer promptly, I am

Very truly yours,

David E. Howe, U.S.A Credit Czar, Child ID guardian, and National Car Rental crime victim and survivor.