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August 16, 2024

Andrew Jones
Wiedner & McAuliffe, Ltd
7007 College Blvd Suite 400
Overland Park KS 66211
Via Email: atjones@wmlaw.com

Re: Donnie Rakestraw v THE HERSHEY SALTY SNACKS COMPANY | CS-00-0483-689

Greetings,

Attached is a report from Dr. Zimmerman regarding Mr. Rakestraw. Dr. Zimmerman believes that Mr. Rakestraw is not at MMI and would benefit from additional treatment at this time. Please authorize the recommended treatment, notifying my office of any appointments that are scheduled.

Also attached is the invoice for Dr. Zimmerman's report. Please forward to the adjuster for reimbursement of unauthorized medical. Please make the check payable to my office and sent to the address listed above.

Should treatment not be recommended, please consider this our seven-day demand prior to filing for a hearing in this regard.

Sincerely,


Roger D. Fincher
RDF/prb

Attachments

This letter shows that my attorney possessed and relied upon Dr. Zimmerman's IME findings establishing that I was not at maximum medical improvement and required additional treatment, yet he communicated these findings only to opposing counsel and never discussed them with me or explained their legal significance. By controlling the medical evidence and confining its use to workers' compensation while affirmatively telling me I had no other remedies, he prevented me from discovering additional legal rights. I reasonably relied on counsel to interpret and communicate these findings, and his failure to do so caused delayed discovery, warranting equitable tolling.