

Neon:

Damages:

It's hard to see anything of a plan to monetize the film. From the beginning, what was promised and what has been delivered do not match up. Overall, there is/has been an abrogation of responsibility to monetize the film. From the start a year ago, Neon has been actively (or passively) devaluing the asset of the film by:

- Not promoting the film:
 - Before its theatrical run
 - During its theatrical run
 - Before its video release
 - During its video release
 - After its release
 - No plans for any furthering of the asset.

In 2020, there are two separate Aretha Franklin films- both extremely high profile.

- a multipart television series on NatGeo starring current Academy Award nominee Cynthia Erivo;
- a feature film starring Academy Award winner Jennifer Holiday.

Neon showed no interest in taking advantage of this opportunity to further monetize the film.

There was no conversation on further plans to monetize the film beyond (and including) original theatrical distribution.

Currently, the film lies dormant save for a deal with Tubi- which Neon has yet to share (as per the contract) with the producers.

All of these results run contrary/fraudulently to how Neon portrayed their involvement in the film when they negotiated.

This is fraudulent to what was represented to us. In negotiations with Rob Johnson and Tom Quinn, Neon represented it would go above and beyond to monetize the asset. This never happened.

BOX OFFICE BONUS/COMPARABLES:

Plainly: It is not credible to believe that if the film were marketed as promised to me, to Rob Johnson, to Tirrell Whittley, that "Amazing Grace" would sell more tickets internationally than domestically. The fix was

in. The “bonus” promised at \$5million seemed to be a benchmark for how to deliberately NOT get to that figure. This would include NOT opening the movie in the much discussed 1,000 theaters. The disconnect between international box office and domestic box office indicates Neon failed to monetize the film.

For a stats based example, the accepted model is:

- Uk box office is equal to 10% of USA box office. According to this model, “Amazing Grace” underperformed by 53% of what it should have made. (\$4,450,456 versus \$9,430,860)

As of January 15, 2020:

- “Amazing Grace”: 21% Uk versus USA.

(Two comps starring African American Female singers:)

- “Whitney”: 8.7% Uk versus USA.
- “20 Feet From Stardom”: 6.4% Uk versus USA.

“Amazing Grace”

Domestic Box Office	\$4,450,456
UK Box Office	\$943,086
International Box Office	\$4,901,922
Worldwide Box Office	\$9,352,378

“Whitney”

Domestic Box Office	\$3,026,558
UK Box Office	\$264,362
International Box Office	\$1,677,151
Worldwide Box Office	\$4,703,709

“20 Feet From Stardom”:

Domestic Box Office	\$4,946,250
UK Box Office	\$318,163
International Box Office	\$946,216
Worldwide Box Office	\$5,892,466

Note/coincidence: Tom Quinn worked on “20 Feet From Stardom” and, if the filmmakers had a similar \$5 million/\$500k box office, they are \$53k away from the bonus.

BAD FAITH NEGOTIATIONS:

The bad faith negotiations about such things as clip rights, advertisements, social media, expenditures, DVD extras, accounting... it is hard to see these things as anything but fraud and breach of contract.

- Rob Johnson about his conversations with Tom Quinn.
 - Quinn said "If we don't do \$10m in box office, we have failed."
 - Quinn's touting of his work on "20 Feet From Stardom"

SONOS/WW CLIP RIGHTS:

Upon the Sonos deal, the worldwide clip right negotiation was portrayed to us as something incredibly urgent. We had withheld world wide clip rights. When a deal was made with Sonos, we were told that we must give up worldwide clip rights in order to close the Sonos deal. In fact, the deal had all ready been made and the Franklin Family had all ready been paid.

We offered to give Neon worldwide clip right in exchange for holding back my individual rights to make a documentary. This was a nonstarter.

Neon held up the last 10% of their money to me, causing a fight on the tarmac at the Montrose airport on the plane ride on August 29, 2019 to the Telluride Film Festival.

Tom Quinn told me, "If we don't have the world wide clip rights, we do not have a long form agreement." When John Boyd and I discussed, we pointed out to each other that without a finalized long for, the film would revert at no cost to us, John asked Jessica Nickelsberg, counsel for Neon, if this was Neon's position.

What we later found out was that Neon had made a deal with Sonos without telling us any of the finances. See below regarding interfering with our deal with the Franklin estate.

INTERFERENCE WITH FRANKLIN ESTATE DEAL:

The Sonos payment was for \$75,000. According to our contract with the Franklin family, they were due \$25,000. Instead we have never gotten an accounting of what the Franklin family was paid.

We discovered that while we were "negotiating" the Sonos deal, a check of the Sonos web site uncovered that the deal had been done and Sonos was using the Aretha image.

On September 24, 2019, Jessica Nickelsberg said that Sonos would notify her "when the payment is made." After telling Jessica that Sonos had "Amazing Grace" on their web site, on October 3, 2019,

Jessica sent an email saying that the \$75k portion of the clip license fee was released to the CAMA by Sonos.

Any "Amazing Grace" payment from Neon to the Franklin Family is in violation of my agreement with the Franklin Estate. The contract with the Franklin Estate and with Neon had been done for months.

The Franklin Estate agreement calls for the estate to receive 25% of any outside funds. Neon said they paid the CAMA \$75k and the Franklin Estate \$75k. If we were going by the contract and there was indeed \$150k between the two sides, the split should have been \$125k for "Amazing Grace" and \$37.5k for the Franklin Estate. No accounting has been provided for this nor for how much Neon may have received.

There was a second deal that they told us about to license the film to an Oprah Winfrey project and we have never heard of that since either.

Neon has not brought up "world wide clip rights" since then.

CHAIN OF TITLE

Neon distributed the film then later claimed problems with chain of title that prevented them from paying us. These problems went on for more than six months.

Later, the final 10% was still due remained contentious.

Neon refused to pay the money citing "chain of title."

Neon also asked for Elliott to give up all clip rights which Elliott wanted to keep. Quinn said he would not pay the final 10% until a deal was made for clip rights but refused to offer any money- Elliott was advised by WME to give up clip rights.

FALSE ADVERTISEMENT:

I was presented with artwork showing billboards that would be run across theaters. No such billboards ever ran. In fact no advertisements were ever take it out any theaters besides the New York theater.

At the first look of proposed art work, Neon's Chief Marketing Officer Christian Parkes sent over proposed pictures of what the billboards would look like.



Advertisements at theaters showing the film where were usually completely lacking.



At the premiere of the film in San Francisco, they did not have a poster.

In Los Angeles, I did q/a's in the African American multiplex for a few weeks in a row and the film had no posters. One of the choir members, Lady Mary Hall, ended up taking a bunch of materials and passing them out at churches.

LIQUID SOUL:

Tirrell Whittley's company Liquid Soul was hired to consult for getting the film to the black theaters. After getting paid, Neon refused to allocate any budget to Liquid Soul's advertisement budget that included television, radio, social media and print.

This Neon practice is confirmed by Danny Gabai, head of Vice Films, who experienced the same fraud with his film "Beach Bum" which was also distributed by Neon. Gabai said Neon provided them with fraudulent expenses for all advertisements including television, radio, social media and print.

Tom Quinn told producer Robert Johnson that Neon spent \$450k on a "tweet" by Tyler Perry.

In fact, Neon did not spend anything. When "Amazing Grace" was featured in the CBS special on the Tyler Perry hosted, nationally televised Aretha Franklin prime time special, Perry personally advocated for the film, and there was a two minute segment on the film, but Neon refused to take any advertisements, nor any social media calling attention to the appearance. nothing.

Christian Parkes and other Neon officials claimed on a call with me that Neon had spent \$1 million on Tirrell Whittley's Liquid Soul company.

In fact, including all travel and expenses, Liquid Soul was paid \$100,000.

SOCIAL MEDIA:

We were promised a special dedication by Neon to social media. The Facebook and Instagram accounts, both created by the producers, was taken over by Neon and basically shut down in July when Neon revoked our passwords across all social media.

There is not one dedicated post on social media since the initial release of the DVD in August, 2019. In comparison, In July, 2019, "The Biggest Little Farm" had 500 posts compared to "Amazing Grace" which had 56 posts. "Apollo 11" had 200+ posts.

When this was brought to the attention of Christian Parkes (CMO) and others at Neon, a significant number (possibly 200) of "The Biggest Little Farm" postings on Instagram were taken down and Parkes called the producers to say there was not much of a discrepancy.

Note: the film had unsolicited posts across social media from people like Bette Midler, Daniel Day-Lewis, Tyler Perry, and Josh Brolin doing free social media which was never blasted out by Neon.

NO ACCOUNTING:

Until December, 2019, there was no accounting from Neon. Neon was contractually obligated to provide accounting (see contract). There is no accounting (at all) for: Home video; airlines (the film has been on many different airlines); the Hulu deal; what else?

The home video began in August, 2019. Neon, when questioned by WME, responded that the video came out in the fourth quarter.

VOTING RIGHTS TOUR/REVEREND BARBER:

When we created the voting tour with Reverend Willam Barber II and the Poor People's Campaign, we had no support whatsoever from Neon. Neon would not even pay for Alan Elliott's plane ticket to Washington DC to launch the movie at the Kennedy Center, where we opened the brand new wing of the Kennedy Center.

This despite two prominent articles- one in Variety

(<https://variety.com/2019/music/news/amazing-grace-voter-registration-tour-expanded-edition-1203328160/>) and one in the Los Angeles Times

(<https://www.latimes.com/entertainment-arts/music/story/2019-09-09/poor-peoples-campaign-amazing-grace-aretha-franklin>).

NAACP AWARDS:

At the NAACP awards last year, we won. Neon failed to purchase a table for the event causing destructive relations between the Franklin estate, the film producers in the film company. Taken as a one off, this could be conceded. When contextualized with all the above, one can only see it as part of a larger pattern of purposeful, destructive behavior.

ACCOUNTABILITY:

I was promised there would be weekly calls so we could discuss marketing, strategy, advertisements. After a few calls, they stopped.

Tom Quinn and I had many conversations about this film being not just a labor of love, but my family's mortgage payments which needed real accounting, and careful checking of expenditures. We have never had a conversation about either since I signed the contract.

HOME VIDEO

There was little effort to make money on the home video release. No advertisements were taken. When the film was released on home video there was no Blu-ray available. Despite this, within hours the film

was #1 documentary on Itunes. The film sold out on Amazon despite no bonus material or Blu-Ray. A DVD with Blu-ray was not available until near Christmas (too late to be part of Christmas buying season).



FURTHER EXPLOITATION:

Since before the film was released, we have asked Neon to allow us to create:

- An extended cut
- A "Making of 'Amazing Grace'" documentary
- a box set to include:
 - Extra songs
 - The "Making of..." documentary
 - The extended cut

None of this has happened or has any discussion/hope of happening.

To give an example of the active intention to block the film from further publicity/monetization, when the film launch the voting rights tour at the Kennedy Center, no interaction was attempted and/or made by Neon.

BUILDING MOMENTUM:

There was no reach out to get press to talk with Spike Lee or to build influencers. Neon did not set up any press with Spike Lee.

Not one call, interview... nothing.

This was at a moment in history when Spike was a hot story for the Academy Awards (nominations for Best Picture, Best Director, and a win for Best Adapted Screenplay) yet, Spike was never asked by Neon to do any publicity.

No outreach with Warner Brothers/Atlantic Records, the recording home of Aretha Franklin and logical partners to work with.

LICENSE FEE FOR CLARA WARD/VIDEO

Neon insisted that we had cleared rights for the trailer.

The trailer is a distribution expense. The cost was \$15k. Neon insisted it come out of out minimum guarantee even though it was quite clearly a distribution expense. They claimed, without any proof, that I assured them that I had given them assurance. I agreed that if they could produce anything that would affirm this, I would happily admit I was wrong. Neon never found anything.

In 2024, Neon claimed \$1.75m in their own legal expenses as a distribution expense.

AWARDS/END OF THE YEAR:

It is hard if not impossible to reconcile the reviews, the box office, and the enthusiasm for the film with the fact that the film received zero nominations for any documentary awards in 2019/2020.

Neon did NOT place the film in nomination for an Academy Award for best documentary.

Neon did NOT place the film in nomination for a Spirit Award.

Neon did NOT place the film in nomination for a Grammy award, a category the film almost surely would win. (All other films nominated for the Grammy this year would have to do 20 times their current box office to match the "Amazing Grace" box office.) When asked about it, Neon claim they nominated the film. Neon lied. (I have a family member on the Grammy Awards nominating/selection committee who will say definitively that the film was never nominated.)

The film was not nominated for the African American Film Critics Awards- notable in that other Neon films won (“Clemency” and Parasite”) and was not on the top ten African American Films’ 10 best films.

As the film seen as the ultimate document of LGBTQ African American culture, we were not put into consideration for a GLAAD award.

This speaks to Neon’s failure to promote the film.

After being recognized as, according to Ken Sunshine, the PR person hired by Neon to work for the film, “the best reviewed film I have ever seen in my 40 years of doing this, “Amazing Grace” failed to receive many end-of-the-year top 10 lists and ZERO awards after winning the “NAACP Best Documentary” in December 2019 (before the contract with Neon was signed).

Neon did not engage their people to publicize the film at all during awards season. They told me this on the phone. None of the principals did ONE interview for the year-end.

On Facebook, there have been no posts EVEN AFTER I created a “best reviewed” film piece of social



media.

There has not been one Facebook post since dvd release in August. In contrast, the “Biggest Little Farm” has at least one or more almost daily in addition to possible awards postings.

Going into the holiday season, a season that celebrate the birth of Jesus Christ, a film which sings songs only about Jesus received no Facebook, social media, or any other urging's from neon to the public.

I live in Hollywood, 400 yards from one of the more prominent Academy screening rooms, how did we do know screenings with Q&A's to highlight the film?

EMAIL FROM NEON SHOWING HOW THEY HANDLE ANOTHER MOVIE:

Finally, there is an email Neon accidentally sent me today showing how they promote other movies. Let the breadth and depth of the below email plainly contrast with the above lack of interest Neon showed "Amazing Grace":

On Jan 15, 2020, at 1:44 PM, Darcy Heusel <darcy@neonrated.com> wrote:

Thank you for this update. + Tom Quinn and NEON's publicity team.

On Wed, Jan 15, 2020 at 3:02 PM Nicholas Wiggins <nicholas@valuespartnerships.com> wrote:

Hello Darcy,

Thanks so much for our call yesterday. Below is a recap and updates report for our engagement.

Please let me know if you have any questions.

Talk soon,

~Nicholas

CLEMENCY X VPI Activity Report.

Values Partnerships has been working with NEON in support of its film CLEMENCY since December 2, 2019.

Since that time, we have been able to do the following in support of the film:

1. Host a screening on December 11 in New York.

The screening was held in New York City specifically around the Google NextGen Summit. April Reign, founder of #OscarsSoWhite, headlined a post-screening conversation, which also included Mark Thompson, formerly of SiriusXM.

35 people attended - most were members of the Google NextGen cohort.

2. Email Blast to full list serve on December 19, 2019.

The email included the trailer, links to the official film website, and a form to submit for group tickets.

5,875 opens (15% open rate) and 215 unique clicks to other film collateral (websites and/or forms)

3. Engaged with Ebonie Riley from National Action Network, Rev. Jamal Bryant, and various influencers including April Reign and Feminista Jones about additional ways to support the film.

We have been working to find ways to complete other parts of our originally proposed plan, which included:

1. National Conference Call

Values Partnerships will convene a national conference call two weeks prior to the opening weekend of the film to promote the film to key stakeholders. This call will last approximately 45 minutes and would be anchored by ALFRE WOODARD and CHINONYE CHIKWU. Community leaders will tune in, hear more about the film, and then encourage their networks to watch. We have successfully hosted calls with Regina King for IF BEALE STREET COULD TALK, Denzel Washington for FENCES, Ava DuVernay and David Oyelowo for SELMA, Oprah Winfrey for THE IMMORTAL LIFE OF HENRIETTA LACKS, and John Legend for JESUS CHRIST SUPERSTAR LIVE.

2. Twitter Chat

Values Partnerships manages a group called THE TREND COLLECTIVE that includes the top voices on Black Twitter, including April Reign, Jamilah Lemieux, Feminista Jones, and many more. We have worked with this group for live twitter town halls and have had great success with films such as Amazon's CROWN HEIGHTS, HBO's NOTES FROM THE FIELD, PARAMOUNT's AN INCONVENIENT SEQUEL, and Fox Searchlight's STEP.

Values Partnerships would coordinate a Twitter chat to discuss the film and its important themes, and to amplify awareness. The one-hour midday chat would be moderated by a leading influencer with members of THE TREND COLLECTIVE along with representatives from community organizations participating in the online conversation. This is also a great opportunity to engage cast members ALDIS HODGE and DANIELLE BROOKS.

Unfortunately, we have not been able to align with talent to complete these initiatives.

Moving forward in the final few weeks of our engagement we propose the following:

1. Faith Leader Engagement

Values Partnerships will send an email directly from Joshua DuBois, our CEO and former Director of the White House Office of Faith-Based and Neighborhood Partnerships in the Obama Administration, to a specific list of about 2000 African American faith leaders to remind them about the wide release of the film on January 24th, recognizing the film's three NAACP Image Awards nominations, and providing a link to the film's website and group sales platform.

2. Follow up with Dr. Jamal Bryant (New Birth Missionary Baptist Church), Rev. Dr. Neichelle R. Guidry (Dean of the Chapel and the Director of the WISDOM Center at Spelman College), and Pastor John Gray (Reality TV star/Relentless Church) to identify if they can support in any of the following ways:
 - a. A social post to their followers
 - b. An email to their respective networks
 - c. Coordination of a group buyout

3. Interview with Pod For The Cause

The Leadership Conference on Civil and Human Rights (LCCHR) has a podcast called "Pod For The Cause". A link to more information on the podcast can be found here. It is hosted by Ashley Allison, their executive vice president for campaigns and programs. LCCHR is the umbrella organization for all civil and human rights groups. Their podcast through various platforms and email reaches a multitude of socially conscious individuals who will be encouraged to support the film.

They are hoping to secure their studio and invite Chinonye Chukwu to do a live interview on Friday, January 17 at 8:30am if she is amenable to it. If not, they are also interested in doing a phone interview. Either would be a part of their Oscars related podcast, particularly highlighting films that should have received recognition from the Academy.

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