UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JOHN WINGO, Plaintiff, v. 3M COMPANY, Defendant.	Case No. 22-cv-00993-ADM-JFD **DEFENDANT 3M COMPANY'S REPLY IN SUPPORT OF ITS APPLICATION FOR ATTORNEYS' FEES AND COSTS**
TITUS KARGBO, Plaintiffs, v. 3M COMPANY, Defendant.	Case No.: 22-cv-00996-ADM-JFD
DESIREE HOLLER, Plaintiff, v. 3M COMPANY, Defendant.	Case No.: 22-cv-00998-ADM-JFD

VAUGHN WINGO, Plaintiffs, v. 3M COMPANY, Defendant.	Case No.: 22-cv-01890-ADM-JFD
ROBERT RIEGER, Plaintiff, v. 3M COMPANY, Defendant.	Case No.: 22-cv-00994-ADM-JFD
NEVELY RANDLE, Plaintiff, v. 3M COMPANY, Defendant.	Case No.: 22-cv-01904-ADM-JFD

I. INTRODUCTION

Plaintiff John Wingo's ("Plaintiff" or "Wingo") late-filed response to Defendant 3M Company's ("Defendant or "3M") application for attorneys' fees and costs does not take issue with the amount of attorneys' fees and costs, the billable rates, or the activity attributable to the requested fees. Instead, Wingo repeats a litany of false statements bearing little relevance to 3M's application for fees, essentially seeking to yet again re-

litigate the Motion to Withdraw, Motion to Compel, and Motion to Reconsider. This Court has already rejected these claims.

The only marginally relevant claims in Wingo's opposition are his false contentions that "[a]ll requested information for motion to compel has been turned over to defendants" and that "Plaintiffs have tried to contact defendants (sic) with no responses." Both of these statements lack any record support or detail and neither statement is true. Wingo and the other Plaintiffs are *still* evading this Court's Order and wrongfully withholding the material. Further, Wingo has not contacted 3M or its counsel since his counsel withdrew, despite 3M's multiple attempts to schedule telephone calls and meet and confer. It is not even clear whether Wingo has obtained permission from the other Plaintiffs to file his response in their separate lawsuits.

Simply put, Plaintiffs' misconduct continues. 3M therefore requests the Court order Plaintiffs to pay "3M for the cost of bringing this motion and for the costs of re-opening and completing fact discovery in these cases." (Order Granting Motion to Compel and Sanctions, *Wingo v. 3M Company*, No. 22-CV-00993, December 18, 2023, ECF No. 126 (hereinafter "Order").)

II. FACTUAL BACKGROUND

On December 18, 2023, this Court issued a written order granting 3M's Motion to Compel and Request for Sanctions and ordered 3M to submit an application for fees and expenses on or before January 31, 2024. The Order directed Plaintiffs to produce:

a) All responsive documents withheld by Plaintiffs on the basis of work-product, including witness statements (and related communications)

from friends, family, and Plaintiffs in the Related Cases occurring in June through August 2021;

b) Plaintiffs' communications with third parties regarding the Related Cases, their claims, and 3M Aberdeen. This includes, but is not limited to:

- Any and all of Plaintiffs' communications with media outlets of any kind;
- Any and all communications to, from, or regarding the NAACP;
- Any and all communications and documents related to their website https://3mdiscrimination.com/ and any other websites;
- Any and all materials from Plaintiffs' social media accounts; and
- Any and all communications and documents to or from the email Wingovs3M@gmail.com;

c) Texts and/or videos Bates labeled #JWV015 and #JWV022, or confirmation of production;

d) Plaintiffs' updated employment information, including earning statements;

e) Additional responsive mitigation documents;

f) Mr. Vaughn Wingo's 2022 tax return;

g) Plaintiffs' tax return documents in a consistent format, including Robert Rieger's tax transcripts;

h) Recordings listed on the "Evidence" page of the "3M Discrimination" website titled "Don't Keep Talking About It";

i) Create an image of all Plaintiffs' phones from January 2021 to the present and produce all responsive text messages, audio, and video files that have not already been produced, including but not limited to any communications between Plaintiffs and between Plaintiffs and any third parties;

j) Confirm whether any video footage at, from, or otherwise depicting Mr. John Wingo's home from 2021 exists, and produce any that still exists;

k) Confirm diligent searches have been conducted to look for any other relevant and responsive video footage; if no video footage of Mr. John Wingo's home exists, provide details regarding the footage that previously existed, the date on which that footage was destroyed, and why the footage was destroyed;

l) Confirm diligent searches have been made to search for all other responsive discovery and confirm when all such productions have been completed; and

m) Produce the birth certificate of Ms. Holler's youngest child.

(Order.)

Wingo claims "[a]ll requested information has been turned over to defendants (sic) attorneys," but this is untrue. Wingo hasn't produced *any* of the materials encompassed in the Court's Order. (February 23, 2024 Declaration of Joseph G. Schmitt (hereinafter "Schmitt Decl."), ¶ 2.) Unsurprisingly, Wingo provides no record citation or details about any production to support his claim. Indeed, not only has Wingo failed to produce any of the ordered and still outstanding information, including without limitation new cell phone images, but Wingo now also seeks to excuse or confuse such violations by claiming his earlier excerpted cell phone productions—which were produced in accordance with discovery rules (albeit in untimely fashion after the close of discovery in the Related Cases)—"were hacked" and "illegally obtained" *by his own attorneys*. Incredibly, the day before this submission, Wingo posted to his social media accounts a video set to music, with photos of FBI headquarters and former President Donald Trump's airplane, along with a lengthy post that he was working on "new updates." The fact is Wingo spends his time

on other tasks, while refusing to obey the Court's Order or participate meaningfully in the required discovery process.[1]

Wingo is also untruthful about his outreach to 3M. 3M has reached out to Wingo on multiple occasions, always by letter at the address provided by his former counsel, as specifically instructed by this Court. (Sealed Order Granting Plaintiffs' Counsels' Motion to Withdraw Without Substitution, *Wingo v. 3M Company*, No. 22-CV-00993, October 20, 2023, ECF No. 92 & Schmitt Decl., ¶ 3.) Despite his claims to the contrary, Wingo has never responded to these letters or otherwise contacted 3M's counsel, including after 3M's latest outreach regarding its Application. (Schmitt Decl., ¶ 4.)

Finally, Wingo has filed his response in other Plaintiffs' related lawsuits, but under his own signature and without any indication the other Plaintiffs authorized this submission. This is inappropriate. There is also no indication the Plaintiffs were even aware of—let alone approved of—the submission, and it is noteworthy that Plaintiff's former counsel highlighted an irreparable conflict between the Plaintiffs that precluded continued joint representation. Finally, while Wingo has the right to represent himself as a *pro se*

[1] Wingo peppers his Response with unfounded attacks on 3M, his three previous law firms, 3M's inside and outside counsel, inside counsel for other companies, and a person he identifies as a former FBI agent (whose involvement in this matter is unclear). These attacks merely highlight Wingo's refusal to accept any responsibility for his misconduct. For example, Wingo has evidently concluded that the Court "remov[ed] Amanda Thompson" documents from its Order due to 3M's misconduct. But 3M sought these communications to learn whether Wingo suborned perjury from Thompson, and the Court reasoned that disclosure of Wingo's communications suborning perjury "would acknowledge the existence of the information, and **may therefore expose Plaintiffs or Ms. Thompson to potential criminal prosecution**." (Order. (emphasis added).)

plaintiff, he does not have the right to represent others by submitting legal documents on their behalf.

III. CONCLUSION

3M respectfully asks this Court to grant its application for entry of reasonable attorneys' fees and costs against Plaintiffs.

Dated: February 23, 2024

By: */s/ Joseph G. Schmitt*

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