NITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JOHN WINGO, Plaintiff, v. 3M COMPANY, Defendant.	Case No. 22-cv-00993-WMW-JFD **DECLARATION OF JOSEPH G. SCHMITT IN SUPPORT OF DEFENDANT'S MOTION TO COMPEL DISCOVERY**
ROBERT RIEGER, Plaintiff, v. 3M COMPANY, Defendant.	Case No.: 22-cv-00994-WMW-JFD
TITUS KARGBO, Plaintiffs, v. 3M COMPANY, Defendant.	Case No.: 22-cv-00996-WMW-JFD

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DESIREE HOLLER, Plaintiff, v. 3M COMPANY, Defendant.	Case No.: 22-cv-00998-WMW-JFD
VAUGHN WINGO, Plaintiff, v. 3M COMPANY, Defendant.	Case No.: 22-cv-01890-WMW-JFD
NEVELY RANDLE, Plaintiff, v. 3M COMPANY, Defendant.	Case No.: 22-cv-01904-WMW-JFD

I, Joseph G. Schmitt, having personal knowledge of the facts stated herein, declare as follows:

1. I am an attorney with the law firm of Nilan Johnson Lewis PA and am one of the attorneys representing 3M Company ("Defendant") in this matter.

2. I make this Declaration in support of Defendant's Memorandum of Law in Support of its Motion to Compel Discovery.

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3. Attached and incorporated herein as **Exhibit A** is a true and correct copy of John Wingo's Termination Form.

4. Attached and incorporated herein as **Exhibit B** are true and correct copies of Defendant's First Set of Interrogatories and First Set of Requests for Production of Documents to Plaintiff, as served on August 5, 2022, and Defendant's Second Set of Interrogatories and Second Set of Requests for Production of Documents to Plaintiffs, as served on October 4, 2022 in the above matter.

5. Attached and incorporated herein as **Exhibit C** are true and correct copies of Plaintiffs' Answers to Defendant's First Set of Interrogatories and Plaintiffs' Responses to Defendant's First Set of Requests for Production of Documents, as served on September 13, 2022, and Plaintiffs' Answers to Defendant's Second Set of Interrogatories and Plaintiffs' Responses to Defendant's Second Set of Requests for Production of Documents in the above matter, as served on November 3, 2022.

6. Attached and incorporated herein as **Exhibit D** are true and correct copy of a conversation recorded by John Wingo regarding his complaint to David Rook and Kevin Gibson dated June 10, 2021.

7. Attached and incorporated herein as **Exhibit E** are true and correct copies of the transcript a conversation recorded by John Wingo regarding his complaint to David Rook and Kevin Gibson dated June 10, 2021, as identified in Exhibit D.

8. By June 2023, Defendant had produced 128,339 pages and taken seven depositions, and Plaintiffs had produced approximately 3,622 pages and taken nineteen depositions.

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9. As the discovery cutoff approached on June 30, 2023, Defendant understood discovery was largely complete based on its ongoing meet and confers with Plaintiffs.

10. Attached hereto as **Exhibit F** is a true and correct copy of correspondence with Judge Wright's Chambers dated June 2, 2023, pertaining to the summary judgment hearing date.

11. Attached hereto as **Exhibit G** is a true and correct copy of Defendant's June 30, 2023 letter to Plaintiffs regarding discovery deficiencies.

12. Attached hereto as **Exhibit H** is a true and correct copy of Defendant's request to meet and confer regarding the issues raised in the June 30, 2023 letter. The parties met and conferred on Thursday, July 6, 2023.

13. Attached hereto as **Exhibit I** is a true and correct copy of email correspondence with Plaintiffs regarding discovery deficiencies dated July 24, 2023, stating most documents would be produced on July 25, 2023. Plaintiff did not produce the remainder of the documents on July 25, 2023.

14. Attached hereto as **Exhibit J** is a true and correct copy of Plaintiff's letter correspondence with Plaintiffs regarding discovery deficiencies dated July 25, 2023.

15. Attached hereto as **Exhibit K** is a true and correct copy of email correspondence with Plaintiffs regarding discovery deficiencies dated August 22, 2023.

16. Attached hereto as **Exhibit L** is a true and correct copy of email correspondence with Plaintiffs regarding discovery deficiencies dated September 8, 2023.

17. Attached hereto as **Exhibit M** is a true and correct copy of email correspondence with Plaintiffs regarding discovery deficiencies dated September 13, 2023.

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Plaintiff still has not produced all of the documents it agreed to produce in response to Defendant's June 30, 2023 letter, as of the date of this Motion.

18. Attached hereto as **Exhibit N** is a true and correct copy of email correspondence from Plaintiffs regarding Supplemental Production dated July 26, 2023.

19. Attached hereto as **Exhibit O** is a true and correct copy of email correspondence from Plaintiffs confirming the Supplemental Production was completed, dated August 18, 2023. The Supplemental Production contained approximately 791 pages of text messages, 135 images, and 107 videos.

20. Attached hereto as **Exhibit P** is a true and correct copy of letter correspondence from Defendant regarding additional discovery deficiencies dated August 24, 2023.

21. Attached hereto as **Exhibit Q** is a true and correct copy of letter correspondence from Defendant regarding discovery deficiencies arising from the Supplemental Production dated August 26, 2023.

22. Attached hereto as **Exhibit R** is a true and correct copy of email correspondence from Plaintiffs responding to Defendant's August 26, 2023 letter, dated August 28, 2023.

23. Attached hereto as **Exhibit S** is a true and correct copy of email correspondence from Plaintiffs responding to Defendant's August 26, 2023 letter, dated August 30, 2023.

24. The Plaintiff's Supplemental Production includes a number of documents not previously produced, including communications with all of the other Plaintiffs, 3M

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employees, and third parties (Courtney Reese, John Wingo's mother, "Guy," [redacted] [redacted] (aka [redacted] and Whitney Schaunaman), discussing employment at 3M and the subject matter of the related cases' lawsuits. The Supplemental Production also confirms the existence of video surveillance footage of John Wingo's home taken in 2021 but not produced to date. Plaintiff has not responded to Defendant's request to take forensic images of each of Plaintiff's cell phones used on or after January 1, 2021, including John Wingo's replacement phone, and conduct searches of additional responsive documents.

25. Attached hereto as **Exhibit T** is a true and correct copy of the excerpted Deposition of John Wingo dated March 31, 2023, pp. 233-238, and pp. 402-404.

26. Attached hereto as **Exhibit U** is a true and correct copy of Exhibit 37 to the Deposition of John Wingo dated March 31, 2023.

27. Attached hereto as **Exhibit V** is a true and correct copy of text correspondence between John Wingo and "Mommy" dated May 3, 2021 and produced in the Supplemental Production.

28. Attached hereto as **Exhibit W** is a true and correct copy of text correspondence between John Wingo and Whitney Schaumburg regarding Wingo wanting to be fired from 3M, his relationship with Desiree Holler, and video surveillance footage, produced in the Supplemental Production.

29. Attached hereto as **Exhibit X** is a true and correct copy of the July 21, 2023 text correspondence between John Wingo and [redacted] [redacted] [redacted] regarding Wingo's expectations for settlement payment from 3M, produced in the Supplemental Production.

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30. Attached hereto as **Exhibit Y** is a true and correct copy of the excerpted Deposition of Desiree Holler dated March 27, 2023, pp. 25-26, 32, 70.

31. Attached hereto as **Exhibit Z** is a true and correct copy of the excerpted Deposition of Vaughn Wingo dated March 30, 2023, pp. 12-14

32. Attached hereto as **Exhibit AA** is a true and correct copy of the excerpted Deposition of Titus Kargbo dated June 2, 2023, pp. 15-16, 82-84 & Ex. 10.

33. Attached hereto as **Exhibit BB** is a true and correct copy of the excerpted Deposition of Robert Rieger dated May 1, 2023, pp. 18-21.

34. Attached hereto as **Exhibit CC** is a true and correct copy of Plaintiff John Wingo's Rule 26(a)(1) disclosures dated August 8, 2022.

35. Attached hereto as **Exhibit DD** is a true and correct copy of Plaintiff John Wingo's Supplemental Privilege Log dated August 24, 2023.

36. Attached hereto as **Exhibit EE** is a true and correct copy of Plaintiff John Wingo's Original Errata Sheet.

37. Attached hereto as **Exhibit FF** is a true and correct copy of the excerpted Deposition of Amanda Thompson dated July 8, 2023, pp. 20, 73-75, 78, 82-84.

38. Attached hereto as **Exhibit GG** is a true and correct copy of the Exhibit 22 to the Deposition of Amanda Thompson dated July 8, 2023.

39. Attached hereto as **Exhibit HH** is a true and correct copy of the excerpted Deposition of Kevin Gibson dated May 31, 2023, pp. 83-86 & Ex. 16.

40. Attached hereto as **Exhibit II** is a true and correct copy of the excerpted Deposition of Dave Rook dated July 12, 2023, pp.95-96.

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41. Attached hereto as **Exhibit JJ** is a true and correct copy of email correspondence from Defendant to Plaintiffs regarding Plaintiffs' discovery deficiencies dated September 1, 2023 and September 6, 2023.

42. Attached hereto as **Exhibit KK** is a true and correct copy of the excerpted Deposition of Nevely Randle dated March 28, 2023, pp. 246 and 254.

43. Attached hereto as **Exhibit LL** is a true and correct copies of text messages of John Wingo's conversation with Bob Rieger, Vaughn Wingo, and third-parties encouraging them to pursue litigation with him, produced in the Supplemental Production.

44. Plaintiffs' ongoing discovery deficiencies and the John Wingo and Nevely Randle Supplemental Productions occurs just as Defendant was drafting its summary judgment motions and as Plaintiffs have pivoted their time and energy away from the litigation in favor of the media, having recently launched an aggressive campaign in an apparent effort to damage Defendant's reputation and exert settlement pressure on Defendant, making numerous public statements regarding their cases, including false statements, while doing so.

45. Attached hereto as **Exhibit MM** is a true and correct copy of text correspondence between Plaintiffs Nevely Randle and John Wingo regarding Wingo's efforts to recruit Randle to raise issues and bring claims and promising they were going to "get paid", produced in the Randle Supplemental Production.

46. On May 15, 2021, Nevely Randle's and John Wingo's exchange text correspondence, attached as Exhibit MM, references the two working on a "rough draft"

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and further state they are sharing the rough draft via e-mail. Neither the rough draft nor the accompanying electronic mail have been produced.

47. Attached hereto as **Exhibit NN** is a true and correct copy of text correspondence between Nevely Randle and Desiree Holler, produced in the Randle Supplemental Production.

48. Attached hereto as **Exhibit OO** is a true and correct copy of email correspondence with Plaintiffs regarding discovery deficiencies and request to meet and confer regarding the issues raised in Defendant's September 8, 2023 email, as well as Defendant's intent to bring a Motion to Compel.

I certify under penalty of perjury under the laws of the United States and the State of Minnesota that I have read the foregoing declaration and that it is true, correct, and based upon my personal knowledge.

Dated: September 18, 2023

s/ Joseph G. Schmitt
Joseph G. Schmitt

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