

IN THE IOWA DISTRICT COURT FOR POTTAWATTAMIE

CLAYTON E. RHODES, JR. and
DONNA R. RHODES,

Plaintiffs,

v.

3M COMPANY, et al.

Defendants.

LAW NO. LACV121231

**DEFENDANTS FORD MOTOR
COMPANY AND HONEYWELL
INTERNATIONAL INC.'S
MOTION TO REQUIRE
PLAINTIFFS' COUNSEL JESSICA
DEAN TO RESUBMIT HER
APPLICATION FOR ADMISSION
PRO HAC VICE WITH FULL AND
ACCURATE INFORMATION**

COME NOW Defendants Ford Motor Company (“Ford”) and Honeywell International Inc. (“Honeywell”), and pursuant to Iowa R. Civ. P. 1.43 and Iowa Court Rule 31.14, submit this Motion to Require Plaintiffs’ Counsel Jessica Dean to Resubmit Her Application for Admission *Pro Hac Vice* With Full and Accurate Information.

I. Introduction

The duty of candor that Ford and Honeywell owe this Court necessitates a request that the Court order Plaintiffs’ counsel Jessica Dean to resubmit her application for admission *pro hac vice* with full and accurate information. *See* Iowa Rule of Prof. Conduct 32:3.3. Ms. Dean recently moved for admission *pro hac vice* on January 29, 2021 and submitted an application in accordance with Iowa Court Rule 31.14. **Exhibit A**, *Motion for Admission Pro Hac Vice of Jessica Dean*. The Court granted the Motion on January 29, 2021. **Exhibit B**, *Order*.

Nothing in Ms. Dean’s application for admission *pro hac vice* would have raised any concerns for the Court because she affirmed—under penalty of perjury—that she had not been denied admission to practice previously and had not been sanctioned. **Exhibit A**, *Application for Admission Pro Hac Vice – District Court completed by Jessica Dean, pp. 2-4*. Ms. Dean’s representations were inaccurate.

To Ford and Honeywell’s knowledge at least two responses in Ms. Dean’s application are not accurate. In response to Question 1. f., Ms. Dean stated that she had not been “denied admission in any jurisdiction for reasons other than failure of a bar examination”:

- f. Has the applicant ever been denied admission in any jurisdiction for reasons other than failure of a bar examination? Yes No

If yes, on a separate page specify the caption of the proceedings, the date of the denial, and what findings were made. Attach copies of all related documents.

Exhibit A, *Application for Admission Pro Hac Vice – District Court completed by Jessica Dean, p. 2*. As set forth below, Ms. Dean has been denied *pro hac vice* admission in one other jurisdiction before—for providing inaccurate information on a *pro hac vice* application. Similarly, in response to Question 1. k., Ms. Dean affirmed that she had not been “otherwise sanctioned by any court in a written order in the last five years for disobedience to the court’s rules or orders”:

- k. Has the applicant ever been held formally in contempt or otherwise sanctioned by any court in a written order in the last five years for disobedience to the court’s rules or orders? Yes No

If yes, on a separate page specify the nature of the allegations, the name of the court before which such proceedings were conducted, the date of the contempt order or sanction, the caption of the proceedings, and the substance of the court’s rulings. Attach to this application a copy of the written order or a transcript of the oral ruling and other related documents.

Exhibit A, *Application for Admission Pro Hac Vice – District Court completed by Jessica Dean*, p. 2. Again, as discussed herein, Ms. Dean has been formally sanctioned as recently as July 2020 by another court.

For these reasons, it is incumbent upon Ford and Honeywell to come forward and advise the Court of this information and request the Court order Ms. Dean resubmit her application with full and accurate information. This Court cannot fully and properly review the application for admission *pro hac vice* and determine whether Ms. Dean has met the requirements of Iowa Court Rule 31.14 until she provides full and accurate answers and submits the requisite documentation required to further advise the Court of the circumstances.

II. Argument

a. Ms. Dean’s Response to Question 1.f. Is Inaccurate Because She Has Been Previously Denied Admission Pro Hac Vice In Connecticut.

Ms. Dean answered “No” to Question 1.f., which asked “[h]as the applicant ever been denied admission in any jurisdiction for reasons other than failure of a bar examination?” **Exhibit A**, *Application for Admission Pro Hac Vice – District Court completed by Jessica Dean*, p. 2. This answer is inaccurate.

Ms. Dean has been denied *pro hac vice* admission at least once before – for lack of candor – in a case pending in Connecticut State Court. **Exhibit C**, *Affidavit of Jason T. Madden, attaching as Exhibit 1, Transcript of July 23, 2015 Proceedings before Hon. Barbara N. Bellis, Reed v. 3M Co., No. FBT-CV12-6034053-S, Judicial District of Fairfield at Bridgeport, Connecticut*. In the *Reed* case, Ms. Dean attested in her

supporting affidavit that she had never been admitted *pro hac vice* in Connecticut before, when in fact, she had previously tried a case in the same courtroom. *Id.* at pp. 3, 5. Ms. Dean attributed this to her “error [in] not looking at a pro hac application close enough where it is sworn to . . . the Court.” *Id.* at p. 6.

The Connecticut court denied Ms. Dean’s application for *pro hac vice* admission, noting that it was “troubled by the error contained in the affidavit” and could not “in good conscience grant [Ms. Dean’s] application in light of the statement made in the original affidavit.” *Id.* at pp. 6-7. Given that Ms. Dean’s application to practice *pro hac vice* in Connecticut was denied for reasons other than failing a bar exam, her answer to Question 1.f. on her application in this case is inaccurate.

b. Ms. Dean’s Response to Question 1.k. Is Inaccurate Because She Was Sanctioned By A Minnesota District Court in July 2020.

Similarly, Ms. Dean answered “No” to Question 1.k. which asked “[h]as the applicant ever been held formally in contempt or otherwise sanctioned by any court in a written order in the last five years for disobedience to the court’s rules or orders?” **Exhibit A**, *Application for Admission Pro Hac Vice – District Court completed by Jessica Dean*, p. 2. Ms. Dean’s response to this question is also inaccurate.

On December 9, 2019, the Honorable John H. Guthmann of the District Court of Ramsey County, Minnesota, ordered a mistrial in the case of *Henry v. 3M Company, et al.*, based on Ms. Dean’s violation of a motion *in limine* order. **Exhibit C**, *Affidavit of Jason T. Madden, attaching as Exhibit 2, Order on Award of Fees and Costs in Henry v. 3M Company, et al., 62-CV-15-7775 (Dist. Ct. Ramsey Cnty. Minn., July 17, 2020)*.

Following the mistrial, defendants in the *Henry* case filed a motion for sanctions seeking attorneys' fees and costs. In his order granting the motion, Judge Guthmann wrote "[t]he circumstances surrounding the mistrial in December 2019 *compels the court to sanction plaintiff's counsel* and award defendant attorney's fees [and] costs pursuant to its inherent authority." *Id.* at p. 9 (emphasis added). Judge Guthmann also held that "the mistrial was ordered due to the conduct of counsel. . . . Consequently, the court may sanction plaintiff's counsel and award defendant attorney's fees and out-of-pocket expenses as it deems appropriate in the instant case." *Id.* at p. 10. Judge Guthmann ordered that "Plaintiff's counsel shall pay a fee and cost *sanction* of \$77,996.80" and held that "[t]he *sanction* awarded herein is payable by plaintiff's counsel and plaintiff shall have no legal responsibility for reimbursement to plaintiff's counsel." *Id.* at p. 15 (emphasis added).

In short, Ms. Dean has been formally sanctioned in a written order for violating a court's orders. Therefore, her answer to Question 1.k. is inaccurate.

III. Conclusion

Ford and Honeywell's duty of candor requires them to raise the foregoing issues before the Court. Ms. Dean's duty of candor necessitates that she resubmit her application for admission *pro hac vice* with full and accurate answers to all questions, and supporting documentation as required by Iowa Court Rule 31.14. Iowa courts require candor from those attorneys practicing before it. As the Iowa Supreme Court wrote: "The administration of justice entrusted to our branch of government can be rendered only when our officers can be counted upon for absolute reliability and an

impeccable reputation for honesty.” *Comm. on Prof’l Ethics & Conduct of The Iowa State Bar Ass’n v. Ramey*, 512 N.W.2d 569, 571 (Iowa 1994).

The two specific instances outlined above indicate that at least two answers on Ms. Dean’s application are inaccurate. Other answers may also need to be amended or other instances disclosed. That is the responsibility of Ms. Dean. The Court cannot fully determine whether it is appropriate for Ms. Dean to be admitted *pro hac vice* without accurate and full answers.

BRADSHAW, FOWLER, PROCTOR & FAIRGRAVE, P.C.

By: /s/ Jason T. Madden

Jason T. Madden AT0004973
801 Grand Avenue, Suite 3700
Des Moines, IA 50309-8004
Phone: (515) 246-5809
Fax: (515) 246-5808
E-Mail: madden.jason@bradshawlaw.com

ATTORNEYS FOR DEFENDANT FORD MOTOR
COMPANY

BASSFORD REMELE
Professional Association

By: /s/ Jeffrey R. Peters

Jonathan C. Marquet (IA #AT0013612)
Jeffrey R. Peters (IA #AT0014389)
100 South 5th Street, Suite 1500
Minneapolis, Minnesota 55402
Ph: (612) 333-3000
E-Mail: jmarquet@bassford.com
E-Mail: jpeters@bassford.com

ATTORNEYS FOR DEFENDANT HONEYWELL
INTERNATIONAL INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon one of the attorneys of record for all parties to the above-entitled cause by serving the same on such attorney at his/her respective mailing/email address as disclosed by the pleadings of record herein, on the 25th day of February, 2021, by:

- | | |
|--|--------------------------------------|
| <input type="checkbox"/> US MAIL | <input type="checkbox"/> EMAIL |
| <input checked="" type="checkbox"/> EDMS | <input type="checkbox"/> CM/ECF |
| <input type="checkbox"/> SHAREFILE | <input type="checkbox"/> OTHER _____ |

/s/ LORI O'CONNOR _____