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U.S. DISTRICT COURT
DISTRICT OF MASS.

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TYLER ADAMS, et al. Plaintiffs v. MASS GENERAL BRIGHAM INCORPORATED Defendant	Civil Action No. 1:21-cv-11686

PLAINTIFF JAMES D. WINES, JR. MD, MPH REQUESTS
1. OPPOSITION TO MGB'S MOTION TO DISMISS and
2. MOTION TO COMPEL MGB TO IMMEDIATELY PRODUCE ALL DISCOVERY MATERIALS

State of the Case

First, it is imperative to highlight from the onset that I have complied with all the discovery requests including sitting for a deposition lasting several hours or more, answering all interrogatories, admissions, and the Plaintiff questionnaire with the exception of 3 contested questions. By contrast, **MGB has flouted this Honorable Court by failing to provide ANY substantive discovery materials** including Defendant Questionnaire, Interrogatories, and Admissions despite the Court's instruction on 8.23.22 to work with Attorney McLane to get me the discovery materials (please see Exhibits A, B, and C all of which are completely unanswered). Also, I was not allowed to attend any of the depositions. Furthermore, **Defendants have misled this Court** by pretending they cannot give me any substantive discovery materials because I have not signed a defective and highly prejudicial Protective Order, that I did not in any way assent to. It is also important to point out that **the new, pro se Protective Order** was not "tweaked" as MGB attorneys referred to the changes in the document, but rather it was **drastically altered using an ill-defined term,**

"communicator," that was not even mentioned in this Court's order. MGB is fond of perseverating on the fact that 160+ Plaintiffs did this or did that. It certainly begs the question as to **why MGB would over hall the Protective Order** after it was used previously by 160+ Plaintiffs. The fact that I am a pro se litigant is not the answer. **Given that MGB has been noncompliant with essentially the entire discovery process, a motion to dismiss my case with prejudice is absurd and obviously should be denied in full.** Furthermore, I respectfully ask that this Honorable Court **actively protect all of my rights as a non-attorney, pro se litigant** and **compel MGB,** with the threat of sanction and/or dismissal, **to** immediately **provide all discovery materials.**

WHEREFORE, for the foregoing reasons, Plaintiff James D. Wines, Jr. M.D., M.P.H. respectfully requests **that MGB's motion to dismiss be denied in full.** Furthermore, I respectfully ask that this Honorable Court **protect all of my rights as a non-attorney, pro se litigant** and **compel MGB, with** the threat of sanction and/or dismissal, to immediately **provide all discovery materials.** I also request any other or further relief that this Court deems just and proper.

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Dated: October 14, 2022

Respectfully submitted,

James D. Wines, Jr., M.D., M.P.H.
Pro se
51 Sea Ave
Quincy, MA 02169
617-755-1087
jamiewines@comcast.net

CERTIFICATE OF SERVICE

I certify that a true copy of the above document was served on October 14, 2022 upon attorneys for the Defendant via email attachment at the following addresses:

Lynn A. Kappelman, Esq. Dawn Reddy Solowey, Esq. lkappelman@seyfarth.com dsolowey@seyfarth.com	SEYFARTH SHAW LLP Seaport East Two Seaport Lane, Suite 1200 Boston, MA 02210-2028 TEL: (617) 946-4800 FAX: (617) 946-4801

James D. Wines, Jr., M.D., M.P.H.

Called Attorney Kappelman's office @ approx 4:10 pm 10/14/22. No answer. Left voicemail to call back number.