Cargill sues former Milwaukee-area employee

By **Arthur Thomas** - Mar 3, 2017 12:00 am

Cargill's headquarters in Minnesota.

A Milwaukee area resident and former **Cargill Inc.** employee is accused of taking customer files, business plans and product formulas after being laid off and allegedly using the information to secure a job at a competitor.

David Bingenheimer, of Germantown, was a global technology manager in Cargill's food ingredient and bio-industrial enterprise until he was laid off Nov. 21 as part of a restructuring of the company's dielectric fluid business.

Dielectric fluids are used in electrical equipment, like transformers. They have traditionally been based on mineral oils, but companies like Cargill, based in Wayzata, Minnesota, have developed vegetable and synthetic-based options. Bingenheimer is described as a "key player" in developing the company's strategy and was Cargill's "technical face to the market," according to a civil lawsuit filed in the U.S. District for Eastern Wisconsin.

Cargill's headquarters in Minnesota.

Bingenheimer declined to comment when reached by phone Friday.

Cargill says Bingenheimer was allowed to keep his company laptop for a few days after his active employment ended to remove personal items. The complaint alleges he used the time to copy proprietary and confidential information to a USB drive.

The information allegedly included Cargill's synthetic dielectric fluid formula, detailed financial information, marketing plans, strategic growth plans and detailed information on Cargill's dielectric customers including revenue expectations, pricing, and profit margins. The documents included information on the company's major customers, the complaint says.

Bingenheimer also allegedly used his credentials to access Cargill's Salesforce account for it dielectric business after his last day of active employment. The complaint says he accessed it more times after his last day than he did in the four prior years he was with the company.

Cargill says it only began investigating Bingenheimer after his company email account began receiving email itineraries for travel on Delta Airlines.

The first email was for a trip to Orlando in December at the same time an industry conference was taking place there.

The second was for a five day trip to Atlanta in early February. **M&I Materials Ltd.**, a Cargill competitor, has an office just outside Atlanta, the complaint says.

The third was for a trip to Manchester in the United Kingdom, where M&I has its corporate headquarters.

"Taken together, these trips raised significant concern at Cargill," the complaint says.

Between the first and second trips, the complaint says M&I visited a key dielectric fluid customer of Cargill's and significantly underbid Cargill's price, forcing the company to negotiate a new deal with the customer.

The complaint says M&I had tried unsuccessfully to get business from this particular customer in the past and wasn't able to offer a competitive price until after Bingenheimer was laid off.

The travel and competitive actions prompted Cargill to investigate Bingenheimer's computer and the discovery that he had allegedly downloaded confidential information and trade secrets, including a detailed spreadsheet described as "the game plan for Cargill's dielectric fluid business."

"It is difficult to imagine a more damaging document that a competitor such as M&I could use against Cargill," the complaint says.

The investigation also revealed Bingenheimer had allegedly copied confidential and proprietary information to USB drives prior to being laid off.

Cargill found out in late February at a trade conference in San Diego that Bingenheimer was now working as director of business development for M&I, the complaint alleges.

The lawsuit seeks an order requiring Bingenheimer to return the documents, turn over his devices for forensic examination, identify those he shared the information with, delete any documents in his possession and to not use the information from the documents. It also seeks an unspecified amount in damages.