UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ZHAOYIN WANG, Plaintiff, v. BETA PHARMA, INC., DON ZHANG, AND ZHEJIANG BETA PHARMA CO., LTD., Defendants.	No. 3:14CV1790 (VLB) JANUARY 12, 2014

UNOPPOSED MOTION FOR PERMISSION TO EXCEED PAGE LIMIT

Defendants Beta Pharma, Inc. ("Beta Pharma") and Don Zhang ("Zhang") (collectively, "Defendants") hereby move for permission to file a Reply Memorandum of Law ("Reply Brief") in excess of the page limit contained in Rule 7(d) of the Local Rules of this Court. Good cause exists for the Court to grant Defendants permission to file a Reply Brief with respect to their Motion to Transfer [D.E. #17] that would exceed the regular page limit. Defendants require such space to respond to a number of factual and legal issues raised by plaintiff Zhaoyin Wang in the brief he filed in opposition to the Motion to Transfer.

On December 5, 2014, Defendants filed the Motion to Transfer, seeking transfer of this action to the United States District Court for the District of New Jersey. In support of that Motion, Defendants filed a Memorandum of Law (the "Memorandum in Support") [D.E. # 17-1] and the Affidavit of Don Zhang (the "Zhang Affidavit") [D.E. #17-2]. On December 24, 2014, plaintiff Zhaoyin Wang filed an Opposition to Defendants' Motion to Transfer (the "Opposition") [D.E.

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#21]. The Court subsequently issued an Order [D.E. #24], which extended the deadline by which Defendants could file a Reply Brief responding to the Opposition to January 16, 2015.

Plaintiff's Opposition raised numerous new issues of fact and law, beyond the issues discussed in Defendant's moving papers. In that respect, the Opposition was more like a set of moving papers than a set of opposition papers.[1] These new issues each require a response from Defendants, especially because Plaintiff has materially misrepresented numerous facts to the Court.

On the topic of the convenience of witnesses, Plaintiff asserts that a variety of persons and entities who will be witnesses in this action are located in Connecticut: two corporate officers, five attorneys or law firms, two accounting firms, two national banks, and another individual, Yinxiang Wang. Opposition at 17-18. Each of these persons or entities either does not possess evidence relevant to this action or can conveniently testify and produce documents in New Jersey, as Defendants will establish. However, doing so requires Defendants, in their Reply Brief, to address each proposed witness separately, and in some cases to present documentary evidence to establish the absence of relevant testimony or of inconvenience.

Plaintiff also makes a number of factual assertions to suggest that the locus of operative facts in this action is Connecticut. These include assertions

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[1] For example, while the Memorandum in Support and Zhang Affidavit together came to only 19 pages, the Opposition and the documents filed in its support came to 63 pages: 25 pages in the Opposition, plus 38 pages of exhibits.

about business that Plaintiff, a citizen and resident of Canada, allegedly conducted in Connecticut by site visit, assertions about the times during which Beta Pharma and related entities allegedly operated in Connecticut, and assertions about Beta Pharma's current presence in Connecticut. Id. at 4-6, 16, 23. In support of these assertions, Plaintiff filed five exhibits, including portions of the transcript of deposition testimony given in another action by Dr. Mehrnaz Kamal, Ph.D, an employee of Beta Pharma Scientific, Inc. Id., Ex. A-E. As Defendants will show, these assertions are false or misleading. To do so, however, Defendants must address each of these assertions separately in the Reply Brief, and must provide documentary evidence that will counter the evidence that Plaintiff has presented. For example, Plaintiff states that, after 2011, Beta Pharma maintained a business presence in Connecticut. This is false and requires a specific response from Defendants.

In addition, Plaintiff raised legal issues in the Opposition that Defendants must address. In the Memorandum in Support, Defendants noted that Zhejiang Beta Pharma Co., Ltd. ("ZJPB"), which was named as a defendant in this action, but has not appeared, is not relevant to the transfer issue because it is not a properly joined defendant. Memorandum in Support at 5, 7. In the Opposition, Plaintiff argued that ZJBP is not fraudulently joined, that the District of Connecticut has personal jurisdiction over ZJBP, and that the District of New Jersey lacks personal jurisdiction over it. Opposition at 9-13. Defendants thus must also address in detail the issues of fraudulent joinder and personal jurisdiction, along with other legal issues raised in the Opposition.

The facts and legal arguments on all these issues must be fully developed to enable the Court to make the appropriate decision on the Motion to Transfer. Defendants are not certain what length will be required to address all of these issues, but anticipate that the Reply Brief would be somewhat more than twenty-five (25) pages long, exclusive of exhibits. Such a Brief would be confined to factual and legal issues raised by the Opposition, in compliance with Local Rule 7(d). Defendants' counsel has contacted counsel for Plaintiff, and determined that Plaintiff does not oppose this Motion.

WHEREFORE, Defendants respectfully request that the Court grant them permission to file a Reply Brief regarding their Motion to Transfer that exceeds the page limit in Local Rule 7(d).

DEFENDANTS BETA PHARMA, INC. AND DON ZHANG,

By: /s/

Michael G. Caldwell (ct26561)
LeClairRyan, A Professional Corporation
545 Long Wharf Drive, Ninth Floor
New Haven, Connecticut 06511
Telephone: (203) 672-1636
Facsimile: (203) 672-1656
Email michael.caldwell@leclairryan.com

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2015 a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/
Michael G. Caldwell (ct 26561)