

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ZHAOYIN WANG
Plaintiff,

v.

BETA PHARMA, INC., DON ZHANG,
AND ZHEJIANG BETA PHARMA
CO., LTD.,
Defendants.

Civil Action No. 3:14-cv-01790-VLB

February 17, 2015

OBJECTION TO MOTION TO EXCEED PAGE LIMIT

Plaintiff objects to defendants' "Motion for Permission to Exceed Page Limit," Docket Entry 40. Federal Local Rule 7(d) limits reply briefs to 10 pages. Defendants' Motion to Dismiss raises pure questions of law, confined to the four corners of plaintiff's Complaint. Plaintiff's Opposition counters Defendants' legal arguments. It does so in 37 pages, substantially shorter than the 46 pages provided by this Court's chambers practices. It does not raise factual issues outside the allegations of the Complaint. The only "facts" involved in this motion are those alleged in the Complaint and the reasonable inferences that can be drawn therefrom. Thus, Defendants' assertion that they require an oversize brief to respond to "factual" issues raised by the plaintiff does not provide good cause for granting this motion.

Defendants' remaining arguments deal purely with plaintiff's contrasting view of what the law is, and how the motion should be decided. They are, unfortunately, couched in language which impugns counsel, accusing him of

138

providing “misleading characterizations of his fraud allegations” and mischaracteriz[ing] the impact of his request for punitive damages.” Defendants’ attacks on counsel for making good faith legal arguments supported by cited authority do not justify filing a reply brief 60% larger than that permitted by Local Rule 7(d).

Defendants did not ascertain plaintiff’s position on this motion prior to filing it. Previously in this case, defendants inquired prior to moving to file an oversize reply brief in support of their Motion to Transfer, and plaintiff consented. Afterward, defendants filed an unopposed Motion for Leave to File Excess Pages in which they accused counsel of “materially misrepresent[ing] numerous facts to the Court” (Docket Entry 27, page 2) and making assertions that are “false or misleading”—even though they were supported by the sworn testimony of Beta Pharma’s Vice President Merhnaz Kamal. (Docket Entry 27, page 3). Defendants then filed a 29 page Reply Brief, an affidavit from the individual defendant Don Zhang with 3 attached Exhibits totaling 21 pages, and affidavits from seven additional witnesses totaling 23 pages. (Docket Entry 31). Their filing far exceeded the permissible purpose of a Rule 7(d) Reply Brief.

The Rule limits Reply Briefs to 10 pages¹. It requires them to be “strictly confined to a discussion of matters raised by the responsive brief. . . .” Given the purely legal gravamen of the Motion to Dismiss, Defendants should be held to the usual limits.

¹ This Court’s Chambers Practices permit an 11 page Reply Brief.

Defendants' Motion for Permission to Exceed Page Limit should be denied.

**ZHAOYIN WANG
THE PLAINTIFF**

By: _____ /s/

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CERTIFICATE OF SERVICE

I hereby certify that on February 17, 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/

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