

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)

MARCH 27, 2015

**EMERGENCY MOTION TO STAY PROCEEDINGS PENDING
DISPOSITION OF DEFENDANTS' MOTION TO DISQUALIFY OPPOSING COUNSEL**

Defendants Beta Pharma, Inc. ("Beta Pharma") and Don Zhang (collectively "Defendants") hereby move to stay all proceedings in this action pending the Court's resolution of the Motion to Disqualify Opposing Counsel (the "Motion to Disqualify") which Defendants will file as soon as the Court rules on Defendants' Emergency Motion for Entry of Protective Order for Motion to Disqualify Counsel (the "Motion for Protective Order") [D.E. # 49], with the exception of litigation of the Motion to Disqualify (including the related Motion for Protective Order) and this Court's decision on Defendants' Motion to Transfer, filed on December 5, 2015 (the "Motion to Transfer") [D.E. #17]. The Motion to Disqualify will ask the Court to disqualify Jonathan Katz, Esq. ("Katz") from representing plaintiff

ORAL ARGUMENT REQUESTED

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Zhaoyin Wang ("Plaintiff") in this action. Counsel for Defendants has contacted counsel for Plaintiff and determined that Plaintiff opposes the requested stay.

Defendants file herewith a Memorandum of Law in support of this Motion. As fully explained therein, the Motion to Disqualify will argue that Katz cannot represent Plaintiff because Katz has formed a joint representation and consulting relationship with Beta Pharma's former lawyer, Lance Liu, Esq. ("Liu"), who is in possession of Beta Pharma's confidential and privileged information that is related to the subject matter of the present action. Due to his relationship with Liu, Katz has had, and currently has, ample opportunities to receive Beta Pharma's confidential and privileged information. Thus, federal and state law require that Katz be disqualified. Pending resolution of the Motion to Disqualify, the Court should stay most of the proceedings in this action to bar Katz, a conflicted attorney, from continuing to litigate against Beta Pharma and thus threatening the integrity of this litigation, and from making use of Beta Pharma's confidential and privileged information. The only proceedings that would not be stayed would be litigation of the Motion to Disqualify (including the related Motion for Protective Order) and the Motion to Transfer, since that Motion is fully briefed and ready for adjudication.

As further explained in the Memorandum of Law, Defendants respectfully request that the Court grant expedited consideration to this Motion under Local Rule 7(a)(3) in order to limit the danger of Defendants' privileged and confidential information being disclosed and used against them.

WHEREFORE, Defendants respectfully request that the Court grant this Motion and order the following relief:

- 1. Entry of an Order immediately staying all proceedings in this case, with the exception of litigation of Defendants' Motion to Disqualify and the Court's decision on Defendants' Motion to Transfer, pending resolution of the Motion to Disqualify; and**
- 2. Such other relief as the Court deems necessary and proper.**

**DEFENDANTS BETA PHARMA, INC. AND
DON ZHANG,**

**By: /s/
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*Admitted as Visiting Attorneys***

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 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)