

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 QUASH SUBPOENA

Pursuant to Rule 45(d)(3) of the Federal Rules of Civil Procedure, defendants Beta Pharma, Inc. ("Beta Pharma") and Don Zhang (collectively "Defendants") hereby move for an Order quashing the subpoena (the "Subpoena") served by plaintiff Zhaoyin Wang ("Plaintiff") on Teplitzky & Company, P.C. ("Teplitzky") pending 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]. The Motion to Disqualify will ask the Court to disqualify Jonathan Katz, Esq. ("Katz") from representing Plaintiff in this action. Defendants file herewith a Memorandum of Law in support of this Motion. A copy of the Subpoena and accompanying Notice of Deposition is attached as Exhibit A to that Memorandum.

ORAL ARGUMENT REQUESTED

149

As fully explained in the Memorandum of Law, 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. However, Katz has served the Subpoena on Teplitzky, an accounting firm that formerly provided services to Beta Pharma, commanding Teplitzky to testify at a deposition and produce copies of documents that are Defendants' confidential documents or concern Teplitzky's work for Defendants. Although Defendants have informed Katz of the conflict issues and requested that he withdraw as counsel, Katz has not done so and instead issued an Amended Notice of Deposition scheduling the Teplitzky deposition for May 20, 2015. The Court should quash the Subpoena pending resolution of the Motion to Disqualify.

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 quashing the Subpoena to Teplitzky 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)