

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

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ZHAOYIN WANG,  
Plaintiff,

v.

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

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No. 3:14CV1790 (VLB)

MAY 1, 2015

MOTION FOR DISCOVERY DISPUTE CONFERENCE

Pursuant to this Court's Pretrial Preferences, defendants Beta Pharma, Inc. and Don Zhang (collectively "Defendants") hereby move for a telephonic conference on the discovery issue raised by Defendants' Motion to Disqualify Opposing Counsel, filed on April 21, 2015 (the "Motion to Disqualify") [D.E. #64]. The pendency of the Motion to Disqualify raises the issue of whether or how discovery will proceed in this action before the Court resolves that Motion.

According to the Pretrial Preferences, parties may file a motion for a telephonic conference regarding a discovery dispute, "identifying the specific legal issue in dispute, each party's respective position and the basis therefore." The specific issue in dispute between the parties is whether Plaintiff may conduct discovery in this action while he is represented by an attorney whom Defendants contend is conflicted.

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Defendants' position is that Plaintiff should not be able to conduct discovery, with the exception of discovery relevant to the Motion to Disqualify, while the conflict issue is pending. The purpose of Defendants' Motion to Disqualify is to protect their confidential and privileged information from being used against them in this action. See Memorandum of Law in Support of Motion to Disqualify Opposing Counsel, filed on April 21, 2015 [D.E. #64-1], at 3, 15. It would prejudice Defendants and defeat the interests of justice for Defendants to provide discovery responses, including confidential and sensitive information, to a conflicted attorney. Many courts have stayed proceedings or discovery pending resolution of disqualification motions. See, e.g., IPVX Patent Holdings, Inc. v. 8X8, Inc., 2013 WL 6000590, at \*2 (N.D. Cal. Nov. 12, 2013) (granting motion to stay discovery pending resolution of defendant's motion to disqualify plaintiff's counsel); Helmer v. Goodyear Tire & Rubber Co., 2013 WL 328951, at \*2 (D. Colo. Jan. 29, 2013) (granting motion to stay all other proceedings pending resolution of motion to disqualify counsel); Penn Mut. Life Ins. Co. v. Berck, 2010 WL 3294309, at \*3 (D. Md. Aug. 20, 2010) (granting motion to stay proceedings pending disposition of defendant's motion to disqualify opposing counsel).

To that end, Defendants' counsel proposed to Plaintiff's counsel on April 29, 2015 that the parties file a joint motion that would impose a stay on all discovery that is not relevant to the Motion to Disqualify pending the Court's ruling on that Motion, and that would modify the Scheduling Order in this action to provide the parties with sufficient time to conduct discovery after the stay is lifted. Defendants' counsel provided Plaintiff's counsel with a draft of such a

joint motion. However, on May 1, 2015, Plaintiff's counsel informed Defendants' counsel that Plaintiff opposes such a stay.

Thus, it appears that Plaintiff's position is that he should be able to continue to conduct discovery on the merits of this action while the Motion to Disqualify is pending. Defendants do not know the basis for that position.

Defendants believe that it would facilitate the conduct of this action for the Court to confer with the parties about this issue and determine the best means of resolving it.

WHEREFORE, Defendants respectfully request that the Court grant this Motion and schedule the requested conference for the nearest convenient date.

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

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 1, 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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