

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

May 4, 2015

OBJECTION TO MOTION FOR DISCOVERY DISPUTE CONFERENCE

Plaintiff objects to defendants' Motion for Discovery Dispute Conference because this court has already addressed, and rejected, the issue of a discovery stay in this matter. Defendants filed an "Emergency Motion to Stay Proceedings Pending Disposition of Defendants' Motion to Disqualify Opposing Counsel" on March 27, 2015. Document 55. This Court denied the motion on March 30, 2015. Document 57. Now, actually having filed a motion to disqualify plaintiff's counsel, defendants renew their request to stay discovery. Defendants also seek a conference with the Court regarding their requested stay because defendants "do not know the basis" for plaintiff's objection to such a stay. Although plaintiff reasonably believes that his position was made clear to defendants, plaintiff hereby files this brief response.

It is plaintiff's position, based on this record, that Defendants' "Motion to Disqualify" is a pure litigation tactic, and constitutes an effort to block the deposition of defendants' Woodbridge, Connecticut accounting firm Teplitzky &

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Company. This litigation proceeded for more than four months prior to any motion to disqualify being filed, although defendants did move to transfer their case to New Jersey and to dismiss plaintiff's complaint. Only after plaintiff noticed the deposition of defendants' accounting firm have defendants suddenly filed a motion to disqualify plaintiff's counsel. Defendants are unlikely to prevail on their "Motion to Disqualify" because they will not be able to prove that their former counsel Attorney Lance Liu participated in plaintiff's lawsuit. They are also unlikely to be able to meet their burden of proving that Lance Liu's work for Beta Pharma is "identical" or "essentially the same" as the issues in the present case. Government of India v. Cook Industries, Inc., 569 F.2d 737, 739 (2d Cir. 1978). Under these circumstances, plaintiff respectfully submits that defendants' attempt to stay discovery pending their motion to disqualify should be rejected.

There are three motions pending before the Court which concern the matters at issue here:

(1) Defendants filed an "Emergency Motion to Quash Subpoena Directed to Teplitzky & Company", Document 56. Plaintiff opposed this motion, Document 61. Defendant filed a reply brief. Document 66. The motion is ready for adjudication.

(2) Defendants moved for a protective order in connection with their motion to disqualify. Document 49. Plaintiff has opposed this motion. See Documents 50, 51, 52 and 62. Defendants filed a reply brief. Document 65. The motion is ready for adjudication.

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 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/

**Jonathan Katz, Esq.
Jacobs & Dow, LLC
350 Orange Street
New Haven, Connecticut 06511
Telephone: (203) 772-3100
Facsimile: (203) 772-1691
Federal Juris No.: ct00182
Email jkatz@jacobsllaw.com**