

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 4, 2015

**REPLY TO PLAINTIFF'S OBJECTION TO  
MOTION FOR DISCOVERY DISPUTE CONFERENCE**

Beta Pharma, Inc. and Don Zhang (collectively "Defendants") hereby respond to plaintiff Zhaoyin Wang's Objection to Motion for Discovery Dispute Conference (the "Objection"), filed on May 4, 2015 [D.E. #69]. Defendants have requested a conference to discuss whether and how discovery will proceed in this action pending the Court's decision on their Motion to Disqualify Counsel (the "Motion to Disqualify"), filed on April 21, 2015 [D.E. #64]. Plaintiff objects to the scheduling of such a conference, asserting that a stay is not appropriate.

First, Plaintiff's Objection underscores the fact that a discovery dispute exists, creating a need for a conference. In the Motion for Conference, Defendants maintain that no discovery should take place until the Court rules on the Motion to Disqualify, and Plaintiff disagrees. Accordingly, a discovery dispute exists.

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Second, while the Court denied an Emergency Motion to Stay [D.E. #55], there have been material developments in the case that warrant a stay. In particular, on April 21, 2015, Defendants filed a motion to disqualify Jonathan Katz, Esq. ("Katz") from representing Plaintiff. This Motion was not before the Court when it denied the Emergency Motion to Stay. Until the Court resolves the Motion to Disqualify, Katz should have no involvement in this action. Indeed, if no stay is imposed, and the Court subsequently disqualifies Katz, his continued involvement will have exacerbated the problems created by the conflict. On the other hand, a stay will not prejudice any party, regardless of the outcome of the Motion to Disqualify.

While Plaintiff says that the Motion to Disqualify is a "pure litigation tactic," it is hardly that. Immediately after Defendants uncovered documents definitively proving that Lance Liu, Beta Pharma's former lawyer and Katz's consultant in this case, formerly counseled Beta Pharma on the *exact same claims as those in Plaintiff's complaint*, Defendants contacted Katz and requested that he withdraw as counsel for Plaintiff. He refused, so Defendants filed the Motion to Disqualify.

In sum, as set forth in the Motion to Disqualify, Katz is a conflicted lawyer who should have no involvement in this action. To that end, he should not participate in discovery. Since Katz disagrees, a conference is warranted.

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



**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/

Michael G. Caldwell (ct 26561)