

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Bartlit Beck LLP,

Petitioner,

v.

Kazuo Okada,

Respondent.

Case No. 19-cv-8508

Hon. John F. Kness

**BARTLIT BECK’S BRIEF IN OPPOSITION TO KAZUO OKADA’S MOTION
FOR LEAVE TO WITHDRAW APPEARANCES OF COUNSEL**

This dispute concerns Bartlit Beck’s long-running efforts to enforce the arbitration award the firm obtained two years ago against its former client, Kazuo Okada. During both the underlying arbitration and Bartlit Beck’s subsequent efforts to enforce the award, Mr. Okada has repeatedly engaged in delay tactics to avoid paying Bartlit Beck the money he owes the firm. As this Court observed in its memorandum opinion granting Bartlit Beck’s petition to confirm its award, Mr. Okada’s participation in the arbitration “was riddled with uncooperative and obstructive conduct that ‘caused significant expense, delay, and at times violated the Panel’s orders.’” Memo. Op. & Order at 8, ECF No. 53 (Mar. 12, 2021) (quoting the Dec. 20, 2019 arbitration award at 26–27).

Mr. Okada’s lawyers at the Dentons Bingham Greenebaum LLP law firm (“Dentons”), who now seek to withdraw from representing Mr. Okada, have pressed

Mr. Okada's frivolous arguments for nearly two years. Now, through their strategically timed motion for withdrawal, Dentons appears to be further enabling Mr. Okada's strategy of delay. Dentons conveniently filed its motion to withdraw shortly after one of their lawyers argued Mr. Okada's appeal in the Seventh Circuit—but before Mr. Okada responded to Bartlit Beck's now-overdue discovery requests. If granted, the motion would allow Mr. Okada to evade discovery and would facilitate his efforts to avoid collection. Accordingly, Bartlit Beck opposes Dentons' motion for leave to withdraw as counsel. *See* Mot. for Leave to Withdraw Appearances of Counsel, ECF No. 67 (Dec. 17, 2021).

Mr. Okada's lawyers at Dentons have been active participants in Mr. Okada's efforts to engineer delay. For example, in May of 2020, Mr. Okada requested through his Dentons lawyers that the Court delay ruling on Mr. Okada's then fully briefed motion to vacate the arbitration award until "court procedures related to the COVID-19 pandemic have been lifted, so that the issues he raises may be fully considered and evaluated by a neutral decision maker." Joint Status Report in Reassigned Case at 5, ECF No. 46 (May 15, 2020). More recently, Dentons has since August of this year refused to provide a *single date* when Mr. Okada would be available for a remote deposition, despite repeated requests from Bartlit Beck for a deposition date.

If the Court were to permit Dentons to withdraw, the result would be yet further delay. As Dentons noted in their motion, Mr. Okada's responses to Bartlit Beck's Second Set of Interrogatories and Second Set of Requests for Production were

due on December 17, 2021—the same day Dentons moved to withdraw. *See* ECF No. 67 at 1–2. Neither Mr. Okada nor Dentons has provided these overdue responses to Bartlit Beck, nor have they given any indication as to when they will do so. Bartlit Beck is also awaiting a response from Mr. Okada to a letter, sent on November 17, 2021, which outlines various deficiencies in Mr. Okada’s responses to Bartlit Beck’s first sets of interrogatories and document requests. *Id.* Further, Mr. Okada’s deposition is currently noticed for December 29, and neither Mr. Okada nor Dentons has provided any indication whether Mr. Okada will attend. *See* Ex. A, Notice of Remote Dep. of Kazuo Okada (Nov. 17, 2021).

Dentons has participated in these proceedings for nearly two years. During that time, they have aggressively pressed Mr. Okada’s meritless attempts to avoid paying Bartlit Beck. Dentons has also represented Mr. Okada in his appeal to the Seventh Circuit, where one of their lawyers argued his case just last month. Now that the parties are awaiting the Seventh Circuit’s decision, there is little left for Dentons to do on Mr. Okada’s behalf. Yet their withdrawal would prejudice Bartlit Beck by needlessly delaying its efforts to obtain the discovery it needs to collect on its judgment.

For the foregoing reasons, Bartlit Beck respectfully requests that the Court deny the Motion for Leave to Withdraw Appearances of Counsel, at least until such time as Mr. Okada has responded to Bartlit Beck’s outstanding discovery requests and appeared for his deposition.

December 21, 2021

Respectfully submitted,

/s/ Joshua P. Ackerman

One of the Attorneys for Bartlit Beck LLP

Sean M. Berkowitz (IL Bar No. 6209701)
Latham & Watkins LLP
330 North Wabash Avenue, Suite 2800
Chicago, IL 60611
(312) 876-7700
Sean.Berkowitz@lw.com

Adam L. Hoeflich (IL Bar No. 6209163)
Joshua P. Ackerman (IL Bar No. 6317777)
Bartlit Beck LLP
54 W. Hubbard Street
Chicago, IL 60654
(312) 494-4400
adam.hoeflich@bartlitbeck.com
joshua.ackerman@bartlitbeck.com

Attorneys for Petitioner Bartlit Beck LLP