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

BARTLIT BECK LLP,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 1:19-cv-08508
	)	
KAZUO OKADA,	)	
	)	
Respondent.	)	

REPLY IN SUPPORT OF MOTION FOR LEAVE TO WITHDRAW APPEARANCES OF COUNSEL

Bartlit Beck's objection to Dentons' Motion to Withdraw relies upon misstatements about the factual record, self-serving declarations about the strengths of Bartlit Beck's case, and most unfortunately, unfounded speculation about the motives of Okada's counsel that have no place in a court filing. This reply will correct the record.

Dentons began its representation of Okada in the first quarter of 2020, appearing in this matter to assert Okada's defenses to the confirmation of Bartlit Beck's $50 Million plus arbitration award under the New York Convention and Federal Arbitration Act. Dentons filed two briefs, and hundreds of pages of evidence, in support of Okada's challenge to the award. Though the arguments advanced by Dentons ultimately did not carry the day, they were not frivolous or designed to delay. Rather, these arguments were made to protect Okada's due process rights. Bartlit Beck's descriptions of the arguments is self-serving, and ultimately, immaterial to this motion. In fact, the 7th Circuit is still considering Okada's arguments as of the

date of this filing.

Similarly, Bartlit Beck's contention that Dentons attempted to delay a ruling for two years is false. All of the briefing before this Court was completed by May of 2020. The Court did not issue its ruling until March 12, 2021. This was not caused by Dentons and the suggestion that Dentons somehow controlled that timing has no basis in fact.

After the ruling, Okada exercised his right to appeal the decision, and Dentons represented him in that appeal. Appellate briefing was completed in July of 2021, and oral argument was heard on November 10, 2021. During the pendency of the appeal, Bartlit Beck sought discovery from Okada concerning his assets in various jurisdictions around the world, including in this matter. Bartlit Beck served its first interrogatories, requests for production, and a notice of citation in July of 2021. Okada fell ill after the discovery was served and was hospitalized for a time – a fact that was disclosed to Bartlit Beck. As a result, Bartlit Beck **agreed** to provide Okada with more time to respond to discovery and to work with Okada to find a date for his deposition to occur virtually, subject to his health conditions.

Consistent with this agreement, Dentons assisted Okada and provided responses to Bartlit Beck's first round of discovery on October 5, 2021. Dentons also informed Bartlit Beck that it was continuing to discuss the issue of Okada's deposition and that it would provide further information when able. In fact, just days before Bartlit Beck unilaterally scheduled Okada's deposition for December 29, 2021, the undersigned informed Bartlit Beck's attorneys that he would attempt to provide

further information concerning Okada's deposition in the following week. Bartlit Beck's contention that Dentons "refused to provide a single date" when Okada would be available for a deposition is simply false. Dentons did not refuse anything.

Also false is Bartlit Beck's hyperbolic contention that "Mr. Okada's lawyers at Dentons have been active participants in Mr. Okada's efforts to engineer delay." Filing briefs, developing and submitting evidence and affidavits, and answering discovery is not delay – it is standard litigation practice. Bartlit Beck's only "example" of Dentons supposed participation in delay is misleading at best. Specifically, it cites only a portion of a request made by Dentons in a Joint Status Report, omitting important context, to misconstrue it as a request to delay the proceedings entirely until the end of the Covid-19 pandemic. But that is not what Dentons requested. Instead, it simply asked the Court for oral argument on its briefs. Given that at the time of filing the Covid-19 pandemic had only just begun, the request assumed that such argument would need to take place once the Court again allowed in person attendance. Specifically, this is what Dentons said:

> Mr. Okada advanced many substantive arguments against the collection of a $50 million Success Bonus that were not considered by the Panel as a result of its default judgment. He respectfully requests that the Court hear oral argument on the Petition and Cross Motion to Vacate and Remand when 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. This request is not designed to delay resolution of these issues, but rather, seeks to ensure that Mr. Okada has an opportunity to present his arguments fully and to ensure that the Court's questions are answered before the Court decides whether to uphold a default judgment entered without an appropriate investigation into Mr. Okada's medical condition and any review of his substantive arguments and evidence.

ECT No. 46, p.5. Ultimately, the Court decided these issues without the requested oral argument. Moreover, this filing was made on May 15, 2020 – more than a year

and a half *before* Dentons sought leave to withdraw on December 17, 2021. It has nothing to with Dentons' motion to withdraw, as Bartlit Beck plainly knows.

Continuing its pattern of omitting key facts, Bartlit Beck also suggests that the motion to withdraw is somehow strategically timed because it comes after oral argument at the 7th Circuit. But again, this is misleading. At the time of the oral argument, Okada had served answers and responses to Bartlit Beck's discovery and no additional requests were pending (other than the ongoing discussions about Okada's deposition). It was not until *after* the 7th Circuit oral argument that Bartlit Beck served a second set of requests, a deficiency letter, and a notice setting Okada's deposition for December 29, 2021. And, it was not until *after* that discovery was served that filing a motion to withdraw became necessary.

Attorney-client privilege and confidentiality obligations prevent Dentons from providing further detail regarding the reasons for its request to withdraw, but that does not mean that Bartlit Beck should be permitted to drag Dentons lawyers through the mud. There is nothing nefarious about a motion to withdraw.[1] Nor is the timing of the motion "convenient" to anyone.

The supposed prejudice to Bartlit Beck from granting the motion to withdraw is also vastly overstated. As noted, Bartlit Beck has served discovery, and obtained charging orders, against Okada's assets all over the world. For example, Bartlit Beck has already obtained a Charging Order Absolute against Okada's shares in four (4) separate entities: Aruze Gaming (Hong Kong) Limited ("AGHK"), Okada Holdings

[1] Notably, the 7th Circuit granted Dentons leave to withdraw on December 22, 2021.

Limited ("OHL"), Okada Fine Art Limited ("OFA"), and Aruze Gaming America ("AGA"). Further, it appears to be seeking to force the sale of Okada's shares in AGHK, OHL, and OFA. These entities alone have an estimated value of more than one billion dollars, as Bartlit Beck knows via discovery it has conducted in this and other proceedings. It has also collected nearly $400,000 from accounts held by Okada in Japan. And it has already received discovery from Okada in this matter.

Keeping Dentons in this proceeding until Okada responds to the pending discovery and appears for his deposition is thus both unnecessary and impracticable. Dentons can no longer represent Okada in this matter as a result of the breakdown in the attorney-client relationship. This means it cannot assist him in responding to discovery or participate in his deposition even if its lawyers are forced to keep their appearances on file. And, any orders or other relief that the Court might grant to Bartlit Beck would still need to be enforced through proper channels in other jurisdictions where Okada actually has property or assets, because Okada has no assets in Illinois. Dentons presence has no bearing on that.

In sum, Bartlit Beck offers no credible basis for denying Dentons motion to withdraw, and its efforts to impugn the reputation of Okada's lawyers are not well taken. For these reasons, the motion to withdraw should be granted.

Respectfully submitted,

/s/ Robert E. Richards

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