

**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 REPORT ON POSTJUDGMENT DISCOVERY

Since the Court issued its opinion and entered judgment in this matter on March 12, 2021, Mr. Okada has continued to refuse to pay the judgment he owes Bartlit Beck. To date, through expensive and burdensome collection efforts overseas, Bartlit Beck has been able to collect only \$392,377.31 of the \$63,369,610.52 Mr. Okada owes. The sum Bartlit Beck has been able to collect so far has been eclipsed by legal fees and other costs Bartlit Beck has expended in its collection efforts, in significant part because of the litany of delay tactics that Mr. Okada has deployed in this case and other proceedings.

To facilitate Bartlit Beck's collection effort, the firm has pursued discovery of Mr. Okada's assets in both this proceeding and in overseas proceedings. *See* Fed. R. Civ. P. 69(a)(2) ("In aid of the judgment or execution, the judgment creditor or a successor in interest whose interest appears of record may obtain discovery from

any person—including the judgment debtor—as provided in these rules or by the procedure of the state where the court is located.”). Mr. Okada has stymied those discovery efforts at every turn.

I. Bartlit Beck’s Discovery Efforts in This Proceeding

Bartlit Beck’s discovery efforts in this proceeding, and Mr. Okada’s efforts to evade such discovery are summarized below.

Interrogatories and requests for production. Mr. Okada has not remedied deficiencies in his responses to Bartlit Beck’s first sets of written discovery requests and has not responded at all to Bartlit Beck’s second set of discovery requests.

On July 21, 2021, Bartlit Beck served its first set of interrogatories and first set of requests for production on Mr. Okada through his lawyers at Dentons.¹ Following two extensions, Mr. Okada served his responses, along with a document production, on October 5. These responses were deficient in several respects, including because Mr. Okada did not specify whether he had withheld any responsive materials based on his many objections, as required by Fed. R. Civ. P. 34(b)(2)(C). On November 17, 2021, Bartlit Beck alerted Mr. Okada to these deficiencies by letter to his lawyers at Dentons. Mr. Okada has not responded to that letter.

¹ To avoid burdening the Court with voluminous exhibits, and to avoid publicly filing Mr. Okada’s financial information, Bartlit Beck has not attached supporting documentation to this report. Should the Court wish to review the documentation, Bartlit Beck is prepared to provide it.

On November 17, 2021, Bartlit Beck served its second set of interrogatories and second set of requests for production on Mr. Okada, again through his lawyers at Dentons. Mr. Okada has not responded to this discovery, which was due on December 17—the day Mr. Okada’s lawyers at Dentons moved to withdraw. *See* Mot. for Leave to Withdraw Appearances of Counsel at ¶ 7, ECF 67 (Dec. 17, 2021) (“Okada has been provided with copies of all of the documents described in the preceding paragraph and is aware of all deadlines relating to same.”).

Citation to discover assets and Mr. Okada’s deposition. Despite at least six requests from Bartlit Beck over a four-month period, Mr. Okada did not provide a single date for his deposition, which Bartlit Beck agreed to take remotely. Accordingly, Bartlit Beck noticed his deposition for a date certain, December 29. Mr. Okada refused to appear.

On July 22, 2021, Bartlit Beck attempted to serve a Citation to Discover Assets on Mr. Okada. *See* 735 ILCS 5/2-1402. Bartlit Beck also served a copy of the citation on Mr. Okada’s lawyers at Dentons. The citation listed a return date of September 8, 2021, when Mr. Okada was to appear for a deposition. On September 7, 2021, the citation, which Bartlit Beck sent via prepaid registered mail to Mr. Okada’s home address in Japan, *see* 735 ILCS 5/2-1402(b-1), was returned as undeliverable, because it was “unclaimed.”

In the interim, Bartlit Beck commenced discussions with Mr. Okada’s Dentons lawyers regarding a date for his deposition. On August 18, 2021, at Dentons’ request, Bartlit Beck agreed to conduct the deposition remotely after Mr.

Okada responded to Bartlit Beck's discovery requests. Mr. Okada and his lawyers at Dentons never provided Bartlit Beck with a deposition date. On August 23, 2021, Mr. Gude informed Bartlit Beck that he could not provide a date for Mr. Okada's deposition. Bartlit Beck asked Mr. Okada's Dentons lawyers five more times to provide a date when Mr. Okada could sit for a remote deposition: on September 15, September 23, October 7, November 11, and November 16. On November 17, after Dentons did not provide a date in response to Bartlit Beck's latest request, Bartlit Beck informed them that it planned to notice a remote deposition of Mr. Okada on December 29, at 4 p.m. central time, to accommodate the time difference between Chicago and Japan. Bartlit Beck served the deposition notice on November 17. On December 28, Bartlit Beck asked Mr. Okada's Dentons lawyers whether Mr. Okada would appear for the deposition. Mr. Gude responded that Mr. Okada would not attend the deposition. Bartlit Beck has not had further communication with either Dentons or Mr. Okada regarding the deposition.

Third-party subpoena of Aruze Gaming America, Inc. On November 17, 2021, Bartlit Beck served a subpoena on Aruze Gaming America, Inc. ("AGA"), a Nevada corporation of which Mr. Okada is the sole owner. Bartlit Beck is currently in discussions with Aruze regarding deadlines for the production of documents and a deposition in connection with the subpoena.

II. Bartlit Beck's Overseas Discovery Efforts

In addition to the discovery efforts described above, Bartlit Beck is pursuing discovery and collection efforts in Hong Kong and Japan.

In Hong Kong, Bartlit Beck has commenced proceedings to collect on Mr. Okada's shareholdings in private companies, including in Okada Holdings Limited ("OHL") and Okada Fine Art Limited ("OFA"). To date, Bartlit Beck has made limited progress, in large part due to Mr. Okada's dilatory tactics, which have included seeking repeat extensions of deadlines, failing to comply with a discovery order by the Court, resisting service of the Court's order for a debtor examination, and parting ways with his lawyers at Dentons.

Notably, Mr. Okada's Hong Kong solicitors at Dentons Hong Kong LLP participated in Mr. Okada's resistance of the debtor examination by refusing to accept service on September 15, 2021, and filing an application to withdraw as Mr. Okada's solicitors shortly thereafter. Bartlit Beck was finally able to serve the debtor examination order on Mr. Okada via a substituted service order in November 2021, and awaits the debtor examination hearing, set for March 2022. While Bartlit Beck has obtained charging orders over Mr. Okada's shareholdings in OHL and OFA, its attempts to enforce the charging orders through a sale order have been obstructed by Mr. Okada's repeated breaches of a discovery order requiring him to provide financial information relating to the companies.

Bartlit Beck has also commenced proceedings in Japan to collect on Mr. Okada's assets there. To date, Bartlit Beck has recovered approximately \$392,000 (with potentially another ~\$920,000 in the next month) through seizure of certain of Mr. Okada's bank accounts, and through seizure and sale of Mr. Okada's shares in a publicly held company. Mr. Okada has resisted Bartlit Beck's efforts in Japan,

including by: (i) appealing twice against the Tokyo District Court's decision to recognize and enforce the underlying award (the first instance appeal to the Court of Appeal was dismissed, while the special appeal to the Supreme Court was eventually abandoned); and (ii) appealing against the Tokyo District Court's decision for Mr. Okada to be examined as to his assets, which remains pending.

CONCLUSION

Mr. Okada has done everything in his power to avoid paying Bartlit Beck the fees he owes them since May of 2018. His latest efforts to avoid discovery—parting ways with yet another set of lawyers—should be denied at least until Bartlit Beck is able to take the discovery it is entitled to.

January 4, 2022

Respectfully submitted,

/s/ Joshua P. Ackerman

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