

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY: COMMERCIAL DIVISION**

PRESENT: HON. JENNIFER G. SCHECTER PART 54

Justice

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TSUNG TSIN ASSOCIATION, INC.,

INDEX NO. 651584/2023

Plaintiff,

- v -

**INTERIM ORDER
Mot Seq 009**

TIAN XIANG ZHU AKA TIN CHEUNG CHU, JIANQIANG LU,
HON WAI YUEN, HON CHO YUEN, MOON WING LAU,
SHEK HUNG YUEN,

Defendants.

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Defendant Tian Xiang Zhu, who is represented by counsel, violated the court's directives in orders dated September 28 and October 4, 2023 (Dkts. 132, 139). In opposition to this motion to strike his answer, his counsel claims to have recently served supplemental responses to plaintiff's discovery requests (*see* Dkt. 172). Those responses are not attached as an exhibit and plaintiff claims they are still inadequate (*see* Dkt. 173). While "counsel for Zhu disagrees with Plaintiff's characterization of Zhu's discovery compliance or lack thereof" (*id.* at 1 n 1), he did not bother to explain why (*see id.*).

Enough is enough. No reasonable attorney should think this is an acceptable way to practice in the Commercial Division. The court cannot tolerate counsel that refuses to play by the rules and consequently wastes the resources of the parties and the court trying to compel compliance with the most basic litigation obligations.

Since Zhu has not properly responded to the discovery requests or this motion, ALL of his discovery objections are overruled (including his Fifth Amendment objections that were addressed in the moving brief but were not addressed in opposition, and thus were waived). By November 3, 2023, he must serve a further supplemental discovery response, produce all documents in his possession, custody or control responsive to plaintiff's demands, and personally (i.e., not his counsel) file a detailed Jackson affidavit. Zhu's counsel shall then promptly meet and confer with plaintiff's counsel and file a joint letter addressing any further issues by November 8, 2023. This motion will be held in abeyance pending review of that letter.

CONDITIONAL ORDER

Given Zhu's history of disregarding court orders, anything short of complete compliance with this order will result in the striking of his pleadings. For the avoidance of doubt, this is a conditional order--and counsel should explain to his client what that means.

It is SO ORDERED.

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DATE: 10/27/2023

JENNIFER G. SCHECTER, JSC