

UNITED STATES DISTRICT COURT FOR
DISTRICT OF CONNECTICUT

_____)	
LU NING,)	
)	
Plaintiff,)	
v.)	Civil Action No. 3:23-cv-00395-VAB
)	
MICHAEL ZYDA and 411)	
PRODUCTIONS DTLA, LLC,)	
)	
Defendants.)	
_____)	

OPPOSITION TO PLAINTIFF’S MOTION TO DISMISS

Defendants, Michael Zyda and 411 Productions DTLA, LLC (“411”) (together, “Defendants,” or “Zyda”) respectfully submit the following opposition to Plaintiff Lu Ning’s (“Plaintiff” or “Ning”) Motion to Dismiss Zyda’s Counterclaims Under Connecticut General Statutes § 52-196a dated December 19, 2023 (the “Motion”). *See* ECF No. 21.00.

While Plaintiff provides a throwaway citation to the only case governing this issue in the United States District Court for the District of Connecticut and blindly asserts it as “unpersuasive,” she fails to state anything to support this confusing contention. *See id.* at 3. However, *Sentementes v. Lamont* is in fact persuasive on this issue and demonstrates exactly why the Connecticut Anti-SLAPP statute, Conn. Gen. Stat. § 52-196a (the “Statute”) conflicts with the Federal Rules of Civil Procedure 12(b)(6) and 56 (the “Federal Rules”). *See* 2021 WL 5447125, at *4 (D. Conn. Nov. 22, 2021). Further, even if the Statute applies, which it does not, Plaintiff has failed to demonstrate that her statements are based on her alleged exercise of her right of free speech or to petition the government, nor has she demonstrated that Zyda’s claim lacks a probability of success. Zyda, therefore, respectfully requests that the Court deny Plaintiff’s Motion to Dismiss and, accordingly, deny Plaintiff’s requested relief of reasonable attorney’s fees.

DEFENDANTS HEREBY RESPECTFULLY REQUEST ORAL ARGUMENT ON THE PLAINTIFF’S SPECIAL MOTION TO DISMISS.

I. Background

Lu Ning and Michael Zyda were first introduced in the Spring of 2016. *See* ECF No. 20.00, at 12 ¶ 4. Ning and Zyda continued their friendship over the following years, with Ning spending significant time in Zyda’s apartment/home office working on her immigration documents. *Id.* at ¶ 5. Subsequently, in December 2018, Ning moved into Zyda’s apartment as his roommate, where she stayed for free. *Id.* at ¶ 6. Their roommate relationship was tumultuous and involved significant conflict. *Id.* at 13, ¶¶ 7-10.

In or around late April, 2020, Ning moved to Connecticut. *Id.* at ¶ 12. Zyda, to assist in supporting her cost of living, paid her a \$2,000 a month retainer as an independent contractor to perform translation work for him and his business. *Id.* at ¶¶ 13-15. In or around March 2022, Zyda terminated Ning’s employment due to his good-faith belief that she was no longer eligible to work as her visa had expired. *Id.* at 14, ¶ 18.

After her termination, Ning set herself on a crusade against Zyda. *Id.* at ¶ 20. Prior to discovery commencing, Zyda was personally aware of defamatory *per se* comments made to a former student and child of a professional acquaintance that alleged that he “used free slaves to do work in his company without contract or payment...” and then further alleged that she was told she had a great case by a police officer and district attorney. *Id.* at 14-15, ¶¶ 21-26. Thereafter, in February 2023, Plaintiff set up a fundraising campaign on a crowdfunding platform where she stated that Zyda was “crazy,” that he had “retaliated against [her] for refusing his sexual harassment, unequal duties, and back pay.” *Id.* at 15, ¶¶ 27-31. Approximately one month later, Zyda was asked about his conflict with Ning by a supervisor, despite Zyda being unaware that this supervisor had even known about her. *Id.* at 15-16, ¶¶ 32-35. He was subsequently encouraged to retire earlier than planned. *Id.* at ¶¶ 36-37.

Since beginning discovery, Ning has provided substantial evidence that would demonstrate to a reasonable factfinder that she has made grossly false and defamatory statements about Zyda to individuals outside of litigation or other constitutionally protected activities. For example, in a request for information about the individuals that Ning had discussed this claim with, she responded with the names of over fifty individuals. *See* Answers to Interrogatories, at 1-4 (attached hereto as Exhibit A). Further, she has produced an email exchange between herself and the USC Title IX office without context. *See* USC Title IX Email (attached hereto as Exhibit B). In this email, she alleges that Zyda discriminated against her, sexually harassed her, retaliated against her, and abused her. *See id.*

Additionally, along with speaking to dozens of individuals about Zyda's alleged illegal and unfair employment practices and sexual actions, Ning's own descriptions of the events alleged demonstrate that she is inclined to substantial exaggeration and harmful hyperbole. *See, e.g.,* Exhibit A at 4-8 ("Ning asked Zyda to delete [photos of her on social media], but he never did so, which was an infringement of Ning's publicity rights!;" "Zyda contracted and enslaved Ning to work at the 411 office and the USC campus"); *Id.* at 8-9 ("Zyda purposefully denied and cut off support to her service animals, resulting in her ESA cat's death due to denied medical care!"); *Id.* at 9-12 ("Ning felt like an apple that was put into a juicer and thrown her residue into the trash – Dehumanization!").

Given the information already provided (both related and unrelated to her claims), and the plainly and dangerously exaggerated responses to discovery requests, it is likely that further discovery will demonstrate additional evidence to support Zyda's claim that he has been the victim of defamation. If Ning is willing to editorialize her alleged facts in response to discovery and to openly claim to others that Zyda is a "crazy" sexual harasser that had enslaved her, it is likely that

further discovery will allow Zyda to uncover the extent of her defamatory crusade in his personal and professional relationships.

II. Plaintiff Not Only Attempts to Gloss Over the Only Probative Case on This Issue, But Also Attempts to Force This Court Into an *Erie* Analysis Despite the Statute Answering the Same Question as the Federal Rules.

a. *Sentementes* is Both Persuasive and Probative.

Plaintiff has claimed, without any reason, that the only case in the District of Connecticut to address the question of whether the Connecticut anti-SLAPP Statute applies in federal court is plainly “unpersuasive.” *See* ECF No. 21.00 at 3. However, she fails to even provide an explanatory parenthetical describing the case, let alone an actual argument to demonstrate how it fails to be persuasive. Rather, Judge Michael P. Shea’s opinion in *Sentementes v. Lamont* is not just persuasive, but highly probative to the question herein. *See* Case No. 3:21-cv-453 (MPS), 2021 WL 5447125 (Nov. 22, 2021).

In *Sentementes*, a *pro se* plaintiff brought an action against several police officers and private citizens relating to several arrests. *Id.* at *1. One of these defendants, Sean Wanat, attempted to dismiss the claims for defamation and slander under the same anti-SLAPP Statute at issue here – his motion was dismissed, just as Ning’s should be. *See id.*

As Ning notes in her motion to dismiss, a federal court considering a state-law claim under diversity jurisdiction should apply state substantive law and federal procedural law. *See id.* at *2 (citing *Abernathy v. EmblemHealth, Inc.*, No. 17 Civ. 7814(KPF), 2020 WL 3578092, at *2 (S.D.N.Y. July 1, 2020)). While the four reported federal decisions where a Connecticut anti-SLAPP special motion to dismiss was filed have not addressed the special motion to dismiss, this Second Circuit *has* considered the anti-SLAPP statutes from Nevada, Vermont, and California. *See id.* at *2 (citing *Adelson v. Harris*, 774 F.3d 803 (2d Cir. 2014) (holding that where the cause

of action arises under Nevada state law, the state defenses to the cause of action, including immunity, may be defined by the state); *MyWebGrocer, Inc. v. Adlife Marketing & Commc'n Co., Inc.*, No. 5:16-cv-310, 2018 WL 8415139, at *2-3 (D. Vt. Jan. 30, 2018) (interpreting *Adleson* as narrow reading of Federal Rules 12 and 56 and therefore Vermont anti-SLAPP special motion to dismiss does not conflict with Federal Rules); *La Liberté v. Reid*, 966 F.3d 79, 83 (2d Cir. 2020) (dismissing California anti-SLAPP special motion to dismiss where it increased plaintiff's burden beyond Federal Rules 12 and 56 to overcome pretrial dismissal of claims).

In *Sentementes*, Judge Shea uses the guidelines in *La Liberté* to determine “whether ‘a Federal Rule of Civil Procedure answer[s] the same question’ as the special motion to dismiss.” *See id.* at *1 (citing 966 F.3d at 83). The pleading burden established by FRCP 12(b)(6) “is to allege ‘enough facts to state a claim to relief that is plausible on its face.’” *La Liberté*, 966 at 87 (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). There is no probability requirement imposed by the Federal Rules – in fact, “a well-pleaded complaint may proceed even if it strikes a savvy judge that actual proof of those facts is improbable.” *See id.* The requirements under the Connecticut anti-SLAPP Statute, though, require a showing of “probable cause” that the pleading party can succeed with their claim. *See Conn. Gen. Stat. § 520196a(e)(3)*. While the California statute requires a higher bar of probability, which, under Connecticut law, is considered equivalent to the “preponderance of the evidence” standard, the “probable cause” standard required by Connecticut still imposes a burden that is higher than the “merely plausible” standard communicated by FRCP 12(b)(6). *See Sentementes*, 2021 WL 5447125, at *2 (internal citations omitted). Under Connecticut law, probable cause means that “a man of ordinary caution, prudence and judgment, under the circumstances,” would entertain the pleadings as written. *See id.* (citing

Gifford v. Taunton Press, DBDCV186028897S, 2019 WL 3526461, at *6 (Conn. Super. Ct. July 11, 2019) (internal citations omitted)).

Judge Shea also found that the Connecticut anti-SLAPP statute conflicts with Rule 56. *See id.* While the “Rule thus enables plaintiffs to proceed to trial by identifying any genuine dispute of fact,” the Connecticut Statute imposes a higher burden. *See id.* at *3 (citing *La Liberte*, 966 F.3d at 87). The Statute differs from a motion for summary judgment in that it (1) “requires the court not to assess whether there is a dispute of material fact but rather to weigh evidence to determine whether the plaintiff has met his burden of demonstrating probable cause” and (2) only allows for limited discovery “via a ‘truncated evidentiary procedure.’” *See id.* (citing *Elder v. Kauffman*, 204 Conn. App. 818, 824 (2021)). However, the Federal Rules impose no limitations on discovery. *See id.* In effect, this special motion to dismiss operates most similarly to a motion for summary judgment; however, it does so while requiring the pleading party “to make a showing not required by the [F]ederal [R]ule[s], and without the benefit of full discovery permitted under” Rule 56. *See id.* (citing *Sweigert v. Goodman*, No. 18-cv-8653(VEC)(SDA), 2021 WL 1578097, at *3 (S.D.N.Y. Apr. 22, 2021)). Therefore, Judge Shea determined that the statute answers the same questions as Rules 12 and 56 – “whether a claim should be dismissed pre-trial” – but does it in a way that imposes a higher burden on the pleading party and deprives them of the same benefit of extensive discovery. *See id.* Given this, the special motion to dismiss was denied and it was decided that the Connecticut anti-SLAPP statute is inapplicable in federal court. *See id.*

b. Ning has Engaged in Unnecessary and Incorrect *Erie* Analysis.

Ning’s Special Motion to Dismiss asks this Court to ignore the only case in the Second Circuit actually addressing the issue of the Connecticut anti-SLAPP Statute in federal court and to engage in a completely different analysis. *See* ECF No. 21.00 at 2-3. She claims that the question

being answered by this Statute is not whether a claim should be dismissed before trial, but which special procedures should be used to address state law claims that qualify for dismissal under the Statute. *See id.* at 4-5. Given this logic, Ning asks this court to analyze this Statute under the *Erie* Doctrine and to determine that it counts as substantive law. *See id.* (citing *Erie R. Co. v. Tompkins*, 304 U.S. 64 (1938)).

Ning repeatedly falls back upon language in a Connecticut state court case that says that, “the anti-SLAPP statute persuades us that its substantive benefit...would be lost if defendants were required to litigate putative SLAPP cases to conclusion.” *See id.* at 4 (citing *Smith v. Supple*, 346 Conn. 928, 935 (2023)). However, despite repeatedly quoting this non-binding, non-persuasive state court opinion’s use of the term “substantive benefit,” she has failed to actually perform the analysis under the *Erie* Doctrine to demonstrate that this special motion to dismiss is indeed substantive. While she cites to another non-persuasive opinion outside of this Second Circuit to allege that, “[i]t is not the province of either Rule 12 or Rule 56 to apply substantive defenses or the elements of plaintiffs’ proof to causes of action,” she fails to consider that her assertion that the rules are “insufficiently broad” does not actually mean that the Rules and Statute are addressing different questions. *See id.* at 5 (citing *Godin v. Schencks*, 629 F.3d 79, 89 (1st Cir. 2010)). However, as noted in an Advisory Committee Note to Rule 12, it is “clear that the last sentence of Rule 12[d] is not intended to permit the resolution of disputes on the basis of affidavits and other pretrial data when there is a material issue of fact that justifies a trial on the merits. *See Intercon Solutions, Inc. v. Basel Action Network*, 969 F.Supp.2d 1026, 1047-48 (N.D. Ill., 2013) (quoting *Wright & Miller*, 5C Fed. Rac. & Proc. Civ. §1366). Plaintiff has failed to consider that this Statute conflicts with the Federal Rules by restricting Zyda’s “procedural right to maintain [an action]’ established by the federal rules and therefore cannot be applied to a federal court sitting in

diversity.” *See id.* (quoting *Shady Grove Orthopedic Assocs. v. Allstate Ins. Co.*, 559 U.S.393, 130 S.Ct. 1431, 1439 n. 4, 176 L.Ed.2d 311 (2010)).

Plaintiff attempts to create comparisons to fundamental substantive rights (with their own federal counterparts), “such as double jeopardy, collateral estoppel, *res judicata*, and absolute or sovereign immunity.” *See* ECF No. 21.00, at 4. However, there is a substantial difference between these rights and Ms. Ning’s motion herein. These substantive rights do not establish burdens of proof or involve any form of weighing of the evidence. First, double jeopardy exclusively applies to criminal proceedings and is an inherent right ensured to individuals under the United States Constitution in suits brought by the government. Collateral estoppel and *res judicata* both are non-factual substantive inquiries into prior cases to determine whether a issue was essential to a previous holding. Similarly, immunity (both absolute and sovereign) are not factual inquiries into the pled claims themselves, but are inquiries into the parties being accused. Further, all of these substantive rights extend explicitly from Constitutional rights – the Fifth Amendment right to not be prosecuted twice for the same crime, the Seventh Amendment right to finality in judgments, and the Eleventh Amendment right for states to be exempt from suits for money damages or equitable relief without their consent. The right allegedly being protected by the filing of this Special Motion is a First Amendment right to free speech. Contrary to the rights protected under the Fifth, Seventh, and Eleventh amendments, the infringement on a person’s right to free speech – while protected by the Constitution – requires substantial factual inquiry and the Court’s analysis of the facts uncovered through discovery. Discovery is not required to determine whether a person has been prosecuted for a crime already, whether a judgment has already been entered, or whether a party is a state entity. Therefore, these rights are clearly substantive and dissimilar from the question herein.

While Plaintiff may claim that this Statute is “so intertwined with a state right or remedy,” she fails to note that this proposition comes not from the majority opinion in *Shady Grove* but rather Justice Stevens’ concurrence that was “squarely rejected in Part II-C of the prevailing opinion, which, though it did not garner a majority, enjoyed the support of three justices.” *See Intercon*, 969 F.Supp.2d at 1050 (citing *Shady Grove*, 130 S.Ct. at 1445 (plurality)) (“finding that the rule set forth by the Court in *Sibbach v. Wilson & Co.*, 312 U.S. 1, 61 S.Ct. 422, 85 L.Ed. 479 (1941) ‘leaves no room for special exemptions based on the function or purpose of a particular state rule’”).

Even if Ning had engaged in actual analysis under the *Erie* Doctrine and led this Court to conclude that the Statute creates substantive rights, the provision that she is intending to enforce here is not substantive, but rather a procedure for enforcing substantive rights – a procedure that inherently conflicts with those in the Federal Rules. *See id.* at 1051 (citing *Shady Grove*, 130 S.Ct. at 1443 (rejecting argument that a procedural provision can be enacted for substantive reasons and thus overcome Federal Rules because “the substantive nature of [the state] law, or its substantive purpose, makes *no difference*. A Federal Rule of Civil Procedure is not valid in some jurisdictions and invalid in others – depending upon whether its effect is to frustrate a state substantive law (or a state procedural law enacted for substantive purposes)”) (emphasis in original); *3M Co. v. Boulter*, 842 F.Supp.2d 85, 108 (D.D.C. 2012) (“Even assuming a substantive right is created, the Anti-SLAPP Act cannot apply in this Court because the D.C. Council has clearly mandated the *procedure* for enforcing any such substantive rights that preempts Federal Rules 12 and 56.”) (emphasis in original)). Connecticut could have granted an immunity in these types of actions under the Federal Rules; however, they did not do so and instead placed a higher burden on a pleading party than the federal rules allow and “imposed upon the courts an obligation to make

preliminary determinations on the merits based on materials outside the pleadings in a manner that runs in direct conflict with” the Federal Rules. *See id.* at 1051-52.

The practical effect of this special motion to dismiss (as used in federal court) is to escheat the federally established guidelines for pleading standards and factual discovery needed before dismissing or ruling on a claim, and instead impose Connecticut’s own unique burden onto the pleading party. “A special motion to dismiss filed pursuant to § 52-196a ... is not a traditional motion to dismiss based on a jurisdictional ground. It is, instead, a truncated evidentiary procedure enacted by our legislature in order to achieve a legitimate policy objective, namely, to provide for a prompt remedy. It is, in this respect, similar to a motion for summary judgment.” *Elder v. Kaufman*, 204 Conn. App. 818, 824, 254 A.3d 1001 (2021) (citations omitted). Here, Zyda has not had the benefit of complete factual discovery, although it seems likely that further evidence of Ning’s defamation will be uncovered as discovery progresses. Therefore, by establishing a higher pleading standard combined with a lessened discovery opportunity, this Statute will chill Zyda’s attempt to seek recourse and to uncover the breadth of Ning’s campaign against him.

The information needed to determine whether Ning has embarked on a campaign to defame Zyda and harm his reputation inherently requires factual discovery – witnesses must be deposed, digital files must be produced, subpoenas must be served on third party entities for documents, and Ning will need to provide extensive testimony. To dismiss Zyda’s claim before he has been able to provide additional documentary and testimony support would stifle his ability to seek resolution to harmful accusations that Ning has lauded against him without any care for their accuracy or impact. Ning ignores that the Federal Rules still offer her remedies – if she wants to argue that the defamation claim was improperly pled, she may file a Motion to Dismiss for Failure to State a Claim or if she wants to state that all of the undisputed facts show that she should succeed, she can

file a Motion for Summary Judgment. However, here, the claim has not been improperly pled and despite claiming that the facts are undisputed, significant factual inquiry is still necessary to resolve dispute. To dismiss Zyda's claim when he has met the federal pleading standards would be to not only limit Zyda's constitutional rights, but to inherently ignore them.

III. Even If the Connecticut Anti-SLAPP Statute Applies, Which it Does Not, Ning Fails to Demonstrate that Her Defamatory Statements are Protected Speech.

Pursuant to the Statute, Ning must demonstrate that (1) Zyda's claim is based upon is Ning's exercise of her rights of free speech, petition, or association and (2) that he did not plead the claim with enough particularity to demonstrate probable cause of success on the merits of the complaint. First, Plaintiff incorrectly identifies the statements that were allegedly defamation. The only statements alleged to be defamatory *per se* were that he "used free slaves to do work in his company without contract and payment," that he was a "crazy" former employer that "retaliated against [Ning] for refusing his sexual harassment, unequal duties, and back pay. He terminated [Ning's] employment, violating [her] contract with years of discrimination based on [her] sex, race, and national origin;" and that "this criminal employer not only ended [her] health insurance and medical bills and ended [her cat's] insurance!" See ECF No. 20.00 at 16-17, ¶¶ 40-43. Plaintiff alleges, without any support for her claims, that her messages to Anqi Wu where she claimed that Zyda enslaved employees were (1) connected to her complaints brought to the EEOC and Los Angeles police and district attorney; and (2) clear attempts to enlist Wu's participation in effecting consideration of her claims. She further claims that her statements made on GoFundMe about Zyda's alleged retaliation, sexual harassment, violations of her contract, and cancellation of her health and pet insurance were statements made in a public forum about a public concern – namely health and safety, economic and community well-being, the government, and a public figure. This

leaves several unfounded assertions that Zyda must deny. In sum, even under the Connecticut Statute, Zyda's claim survives.

a. Ning's WeChat Messages to Anqi Wu Were Not Protected Speech.

Ning's statements to Wu were not connected to her complaints, nor were they clear attempts to enlist her participation. As an initial matter, Plaintiff's communications to Ms. Wu that are defamatory occurred on May 22, 2022. *See id.*, at 14 ¶¶ 21-22. She did not send the messages about the EEOC, LAPD, or District Attorney until January 27 and 28, 2023. *See id.* at ¶¶ 23-25. Her initial messages on May 22, 2022 did not call for Ms. Wu to do anything in relation to her statements, nor did they seem to be connected to any petitioning of the government. Despite her claims that these were "clearly" part of an attempt to secure participation from Ms. Wu, this flies in the face of the context of the messages that demonstrate that Ning did not mention any legal redress, petition, or related attempts at recourse when sending the initial defamatory messages. Therefore, these are not protected communications.

b. Ning's Statements on GoFundMe Were Not Protected Speech Nor Were They About a Matter of Public Concern.

The statements made on GoFundMe, while on a public forum, were far from a matter of public concern. Despite Ning's brief, unsupported claims that her communications are related to health and safety, economic and community well-being, the government, and a public figure, her claims are not sufficient to actually establish that the statements are indeed of a public concern. *See* ECF No. 21.00, at 9. Contrary to her claims that these statements are a matter of public concern because they speak to Zyda's alleged labor practices, "[i]t is well settled that internal employment policies are not a matter of public concern." *See Daley v. Aetna Life & Cas. Co.*, 249 Conn. 766, 783–84, 734 A.2d 112, 123–24 (1999) (citing *Connick v. Myers*, 461 U.S. 138, 147, 103 S.Ct. 1684 (1983); *Bernheim v. Litt*, 79 F.3d 318, 324 (2d Cir. 1996) (employee/employer dispute on

general working conditions not matter of public concern); *Ezekwo v. New York City Health & Hospitals Corp.*, supra, 940 F.2d at 781 (personnel decision not matter of public concern); *Luck v. Mazzone*, 52 F.3d 475, 477 (2d. Cir. 1995) (maintenance operations not matter of public concern). When determining whether a statement is of public concern, the Connecticut courts look to the content, form, and context, as they reject the notion that “all ‘speech involving a matter of public concern is inactionable’” and “emphasize that the first amendment is ‘not an all-purpose tort shield.’” *Gleason v. Smolinski*, 319 Conn. 394, 416, 125 A.3d 920, 939 (2015) (citing *Greene v. Tinker*, 332 P.3d 21, 34–35 (Alaska 2014); *Snyder v. Phelps*, 562 U.S. 443, 454, 131 S.Ct. 1207, 179 L.Ed.2d 172 (2011)).

Ning clearly has displayed incredible animus to Zyda in this lawsuit and in her communications with others about him. This animus, however, actually detracts from her argument that her claims herein are just a matter of public concern. *See id.* at 418 (This animosity “might indicate circumstantially that a defendant is dressing intentionally tortious conduct in the garb of the First Amendment, such animus, including the defendant's motive to harm the plaintiff, does not necessarily render the messages conveyed matters of purely private rather than public concern. The vehicle, context, and content of the messages remains of paramount importance.”) Given that her animus casts doubt onto the intent of her statements, and that the statements already are unrelated to a matter of public concern, Plaintiff has failed to demonstrate that these communications are in any way protected under the first amendment and therefore Zyda denies the same. *See Wadia Enterprises, Inc. v. Hirschfeld*, 224 Conn. 240, 250, 618 A.2d 506 (1992) (recognizing motive as question of fact that, when disputed, precludes grant of summary judgment).

c. Zyda is Not a Public Figure.

Zyda is far from a public figure. An individual can be a public figure in one of two ways: 1) “for all purposes and in all contexts;” and 2) “for a limited range of issues.” *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 351, 94 S.Ct. 2997 (1974). The four-part test for determining a person’s classification as a limited-purpose public figure is as follows:

A defendant must show that the plaintiff has: (1) successfully invited public attention to his views in an effort to influence others prior to the incident that is the subject of litigation; (2) voluntarily injected himself into a public controversy related to the subject of the litigation; (3) assumed a position of prominence in the public controversy; and (4) maintained regular and continuing access to the media.

Lerman v. Flynt Distrib. Co., 745 F.2d 123, 136-37 (2d Cir. 1984). Zyda has not demonstrated that he has voluntarily injected himself into a public controversy related to his alleged role as an employer, specifically as Ning’s employer. At most, Zyda could be considered a public figure for the limited purpose of commentary on virtual reality. While there is an international community of virtual reality specialists and Zyda is well-known in this industry, that does not make him a public figure for the purposes of this dispute. The United States Supreme Court has addressed, more than once, the issue of individuals who are active in their own very specific community and have extensively published work in professional journals – in these cases, the Supreme Court has found that these individuals are **not** public figures. For example, in *Hutchinson v. Proxmire*, the Court found that despite a plaintiff’s applications for federal grants and his publications in professional journals, he was not a public figure because he had not invited the level of public attention and comment to be a public figure. 443 U.S. 111, 135-36 (1979). In *Gertz*, the Court found that despite the plaintiff publishing books and articles on legal issues and being active in the local community affairs, he was not a public figure. *See* 418 U.S. at 345. Zyda’s expertise does not aid Ning, however, because Zyda’s role as a professor and industry leader in virtual reality

does not relate to Ning's defamatory statements – those claims relate to his capacity as an allegedly private employer. Given this, Zyda is a private figure for the purpose of these defamatory statements.

IV. Even If the Connecticut Anti-SLAPP Statute Applies, Which it Does Not, Zyda Has Satisfied the Pleading Standard to Survive a Motion to Dismiss.

Ning alleges that Zyda has failed to plead his claim adequately and that he cannot show any likelihood of success on the merits of his claim. Her reasons are as follows: 1) four of the five statements are supposedly never alleged to be false; 2) the statements on GoFundMe do not identify Zyda by name; 3) it is allegedly undisputed that Zyda employed Ning without contract and without pay and whether these acts amount to enslaving people is a matter of opinion; 4) Ning is allegedly entitled to a fair comment privilege on public matters; 5) Zyda has not demonstrated actual malice; and 6) Zyda allegedly cannot rely on evidence he did not plead in his counterclaim and therefore cannot show probable cause that he will succeed. As an initial matter, Plaintiff's first argument, that Zyda never purported that any statements were false, dies on arrival. In his pleadings, Zyda explicitly states that she "published a series of verifiably false statements about Zyda in WeChat messages..." and "intentionally published a series of false statements about Zyda...to Lu Ning's February 11, 2023 GoFundMe page." *See* ECF No. 20.00, at 16-17 ¶¶ 40-42. Therefore, despite Plaintiff's refusal to actually analyze any of the statements made on GoFundMe, Zyda has satisfied the requirement of alleging that the defamatory statements were false and thus her first argument already fails.

a. Zyda is Identifiable in Ning's Statements Even if He is Not Explicitly Named.

Even though Zyda was not identified by name in the statements on GoFundMe, this is not required for a defamation claim. Zyda must "prove that [Ning] published false statements about [him] that cause pecuniary harm," "[t]o prevail on [his] common-law defamation claim."

Dontigney v. Paramount Pictures Corp., 411 F.Supp.2d 89, 92 (D.Conn.2006) (quoting *Daley v. Aetna Life and Casualty Co.*, 249 Conn. 766, 795 (Conn.1999) (emphasis in original); *see also*, e.g., *Dongguk University v. Yale University*, 2012 WL 441250 at *7. “Where the alleged defamatory statements [are] not made about” Zyda, “they do not satisfy [an] element crucial to prevailing on a common-law defamation claim.” *See QSP, Inc. v. Aetna Casualty and Surety Co.*, 256 Conn. 343, 355–56 (Conn.2001). Here, Zyda “must reasonably understand under all the circumstances that an allegedly defamatory statement was intended to refer to him.” *Dontigney*, 411 F.Supp.2d at 92 (citing Restatement (Second) of Torts § 564) (internal quotation marks omitted). However, as the Second Circuit has noted, “[t]here are indeed cases ... where a statement was held to be ‘of and concerning’ the plaintiff even though on its face [the statement] was aimed at another person or entity,” the common thread of these cases is that in each, “the statement, though not naming the plaintiff, could have been understood by a reasonable [recipient] as being, in substance, actually about him or her.” *Kirch v. Liberty Media Corp.*, 449 F.3d 388, 399 (2d Cir.2006).

Despite the statements on the GoFundMe page not naming Zyda, it is clear that from the donors listed on the page, when compared to Plaintiff’s discovery responses, that it is extremely likely that members of the audience of this statement would know that it was about Zyda. *See* GoFundMe: “Please Save Animal – Make a Nonprofit” (attached hereto as Exhibit C). There are at least three individuals listed on her donor list that are also included in her interrogatory response asking who she had communicated with about the events in her complaint: Chuck Ng, Virginia Morales, and Norman Yee. *See* Exhibit A, at 1-4. Additionally, there is an “H M” listed as a USC alumni and engineer – it is highly probable that this “H M” is Hirak Modi, an individual that was highly involved in the iStarVR project that is at dispute in this litigation. *See* Exhibits A and C.

Further, at least three other donors are USC Alumni who are likely to know of Michael Zyda. *See* Exhibit C. Ning has not been directly employed by a specific employer in the years leading up to 2023 aside from her alleged employment with Zyda. Therefore, a reasonable person with knowledge of Zyda and/or Ning reviewing her GoFundMe description could come to a reasonable conclusion that she *is* referring to Zyda.

b. Ning’s Statement that Zyda Enslaved Workers is Defamation *Per Se*.

Ning has attempted to claim that it is allegedly undisputed that Zyda employed Ning without contract and without pay and whether these acts amount to enslaving people is a matter of opinion. *See* ECF No. 21.00, at 11-12. Specifically, she notes that Ms. Anqi Wu would not have interpreted her statement that Zyda uses “free slaves to do work in his company without contract and payment,” to mean antebellum slavery and would instead interpret it to be hyperbolic commentary. *See id.* However, as an initial matter, slavery still exists in the United States today, especially as it pertains to the trafficking of foreign women. We have no reason to believe that Ms. Wu could not interpret Ning’s statement to mean that she was a victim of modern day slavery. Further, Ning has completely misrepresented Zyda’s stance on this matter. *See id.* Zyda has not admitted that Ning worked for him without contract. Rather, there was no contract because Ms. Ning was not his employee until she began independent contractor work with Zyda in 2020 – she was his roommate, plain and simple. *See* ECF No. 20.00 at 13, ¶ 9. Roommates provide support to each other and sometimes cook meals for each other – this does not create an employment relationship. Thus, Zyda strongly disputes Ning’s claim that he has admitted that she worked for him without a contract, like a “free slave.” In fact, this statement is clearly defamation *per se*.

c. These Defamatory Statements are Not About Public Matters and, Even If They Were, She Has Not Made “Fair Comments.”

Ning here asserts that she is entitled to a fair comment privilege on public matters; what she fails to take into account is that these are not matters of public concern. As outlined above, Ning’s animus towards Zyda about her alleged private employment is not sufficient to establish a matter of public concern. “[T]he bounds of the common-law fair comment privilege largely accord with first amendment protections for opinion.” *Gleason, supra*, 319 Conn. at 435 n. 34 (internal citations omitted). To be actionable, the statement in question must convey an objective fact, as generally, a defendant cannot be held liable for expressing a mere opinion. *See Daley, supra*, 249 Conn. at 795–96, (citing *Mr. Chow of New York v. Ste. Jour Azur S.A.*, 759 F.2d 219, 230 (2d Cir.1985) (no liability where restaurant review conveyed author’s opinion rather than literal fact); *Hotchner v. Castillo–Puche*, 551 F.2d 910, 913 (2d Cir.1977) (“[a] writer cannot be sued for simply expressing his opinion of another person, however unreasonable the opinion or vituperous the expressing of it may be”)).

“As a general rule ... an opinion is privileged as fair comment, only when the facts on which it is based are truly stated or privileged or otherwise known either because the facts are of common knowledge or because, though perhaps unknown to a particular recipient of the communication, they are readily accessible to him ... If the facts that are criticized or commented upon are not stated or known, however, then fair comment is no defense. The reason for this distinction is as follows: an opinion must be based upon facts; if the facts are neither known nor stated, then a defamatory opinion implies that there are undisclosed defamatory facts which justify the opinion ... [E]xpressions of ‘pure’ opinion (those based upon known or disclosed facts) are guaranteed virtually complete constitutional protection. Expressions of ‘mixed opinion’ ... are privileged only where made (1) by members of the press or news media; (2) about matters of public interest or concern; and (3) without knowingly or recklessly distorting the fact upon which they are based.”

Goodrich v. Waterbury–Republican–American, Inc., 188 Conn. 107, 117–19, 448 A.2d 1317 (1982) (Citations omitted; internal quotation marks omitted). “[A]n opinion must be based upon facts. [Without this standard,] the person defamed becomes the victim of the prejudiced and

distorted judgment of not only the defamer, but also of everyone who hears and believes the opinion without knowing that it is based on incorrect and untrue facts.” *See id.* at 117-18. The Second Circuit has adopted a four-part test to determine whether an opinion is actionable.

First, a court should analyze “the common usage or meaning of the specific language” used in the challenged statement. Such an analysis is helpful because the average reader is “considerably less likely to infer facts from an indefinite or ambiguous statement than one with a commonly understood meaning.” Second, a court should consider whether the statement is “objectively capable of proof or disproof.” This analysis is important because “[l]acking a clear method of verification ... the trier of fact may improperly tend to render a decision based upon approval or disapproval of the contents of the statement, its author, or its subject.” Third, a court should examine the immediate context in which the statement is made. “The language of the entire column may signal that a specific statement which, standing alone, would appear to be factual is in actuality a statement of opinion.” Finally, the court should examine “the broader social context into which the statement fits,” and “the different social conventions or customs inherent in different types of writing.” This inquiry recognizes that “[s]ome types of writing or speech by custom or convention signal to readers or listeners that what is being read or heard is likely to be opinion, not fact.”

See Mr. Chow, 759 F.2d at 226 (internal citations omitted) (citing *Ollman v. Evans*, 750 F.2d 970 (D.C.Cir.1984)).

Here, Ning’s statement that Zyda “used free slaves to do work in his company without contract and payment,” should be reviewed under this same test. The common usage of the word slave is “someone captured, sold, or born into chattel slavery;” or “someone (such as a factory worker or domestic laborer) who is coerced often under threat of violence to work for little or no pay.” See *Slave*, MERRIAM-WEBSTER.COM DICTIONARY, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/slave> (Last accessed Jan. 8, 2024). Whether a person owns or uses slave labor is something that can be objectively proven or disproven. Given that the context of this statement was a text exchange wherein Ning stated that she learned that Zyda used slaves, lies about helping people, and that he deceives people by pretending to be good, it is reasonable to assume that she was stating a fact about Zyda’s practice of enslaving people.

See ECF No. 20.00, at 14-15 ¶¶ 21-26. Finally, when one considers the social context in which women, particularly women from foreign countries (which both the writer and recipient of the statement are), can be subjected to enslavement by wealthy people in the United States, it is incredibly dangerous that Ning made these statements that can so easily be construed as truth. See, e.g., *Human Trafficking: Modern Enslavement of Immigrant Women in the United States*, AMERICAN CIVIL LIBERTIES UNION, <https://www.aclu.org/documents/human-trafficking-modern-enslavement-immigrant-women-united-states> (May 31, 2007). Therefore, Ning's statements were not part of the fair comment privilege and her right to express an opinion on a public matter, but were instead her attempting to state a very dangerous alleged fact about Zyda to someone for the purpose of disparaging his reputation.

d. Ning's Discovery Responses Demonstrate Reckless Disregard for the Truth of the Statements She Makes.

Ning claims that Zyda has not demonstrated the necessary malice in her statements given that she has alleged that he is a public figure. As outlined at length above, Zyda is not a public figure. However, even if he were, which he denies, he has demonstrated the Plaintiff's malice in making the statements that she did. The standard for requiring actual malice in instances of defamation against public figures is governed by *New York Times Co. v. Sullivan*. See 376 U.S. 254, 283–84, 84 S.Ct. 710, 11 L.Ed.2d 686 (1964). The question of whether the Plaintiff acted with malice is a factual inquiry. “[M]alice is not restricted to hatred, spite or ill will against a plaintiff, but includes any improper or unjustifiable motive.” *Bleich v. Ortiz*, 196 Conn. 498, 504, 493 A.2d 236 (1985); accord *Gallo v. Barile*, 284 Conn. 459, 463–64 n. 6, 935 A.2d 103 (2007). “[A]ctual malice requires a showing that a statement was made with knowledge that it was false or with reckless disregard for its truth.” *Gambardella v. Apple Health Care, Inc.*, 291 Conn. 620, 637, 969 A.2d 736, 747 (2009) (citing *Woodcock v. Journal Publishing Co.*, 230 Conn. 525, 535,

646 A.2d 92 (1994) (internal citations omitted)). “[E]vidence of ill will or bad motives will support a finding of actual malice only when combined with other, more substantial evidence of a defendant's bad faith,” *Woodcock*, 230 Conn. at 544 (internal quotation marks omitted); “although such evidence may assist in drawing an inference of knowledge or reckless disregard of falsity.” *Holbrook v. Casazza*, 204 Conn. 336, 346–47, 528 A.2d 774 (1987).

This question of malice further demonstrates how this Connecticut Statute limits the ability of claimants to petition the court for relief, as further discovery would likely demonstrate even more evidence of malice. Ning has decided to make grandiose and false statements of fact about normal interactions with Zyda, despite the factual evidence demonstrating that she had no good cause to do so. Ning’s recklessness with her words is demonstrated clearly in response to discovery requests. For example, in response to a request for the factual basis of her claims, Ning states that an email in which Zyda asked her to send him an image of her license to be issued a key fob to his apartment is evidence that he “trapped Ning to sleep on his couch in his apartment overnight.” *See* Exhibit A, at 4-8. Further evidence of her harsh, exaggerated statements about Zyda can be found throughout her complaint – given that these statements are demonstrably false, Ning has demonstrated a reckless disregard for the truth of her statements about Zyda, thus evidencing malice.

e. Not Only Can Zyda Rely on Evidence Outside of the Pleadings, But This Court Should Consider All Supporting Evidence Provided.

Plaintiff has attempted to allege, without any support from case law, that Zyda cannot rely on evidence he did not plead in his counterclaim in his response to this Motion. *See* ECF No. 21.00, at 14-15. However, if she had actually attempted a review of the relevant case law, she would find that it is quite the opposite. Connecticut courts in reviewing similar motions have considered extensive evidence outside of the pleadings alone. *See, e.g., Gravino v. Benivegna*,

No. NNH-CV-23-6130436-S, 2023 WL 6993327, at *3 (Conn. Super. Ct. Oct. 16, 2023) (ruling on motion “[a]fter reviewing all of the evidence in this case including the complaint, the legal briefs and arguments and the accompanying affidavits, including sworn affidavits from East Haven police officers”); *Chapnick v. DiLauro*, 212 Conn.App. 263, 269 (2022) (“‘When ruling on a special motion to dismiss [filed pursuant to the anti-SLAPP statute], the court shall consider pleadings and supporting and opposing affidavits of the parties attesting to the facts upon which liability ... is based.’ ‘A special motion to dismiss filed pursuant to § 52-196a ... is not a traditional motion to dismiss based on a jurisdictional ground. It is, instead, a truncated evidentiary procedure enacted by our legislature in order to achieve a legitimate policy objective, namely, to provide for a prompt remedy.’” (quoting *Elder v. Kauffman*, 204 Conn. App. 818, 824 (2021))). Given that this motion is most similar to a motion for summary judgment, this Court, if it finds that this similarity is not enough to find the Motion inapplicable, must consider all evidence provided by Zyda.

V. Conclusion

As discussed above, Plaintiff’s Motion to Dismiss is a direct rejection of the standards required under the Federal Rules of Civil Procedure 12 and 56 and therefore should be found to be inapplicable in federal court. Further, even if this Court should find that the Connecticut anti-SLAPP Statute can be utilized in federal court, which it cannot, Plaintiff’s Motion still fails because Zyda has successfully pled his claims and demonstrated a probable cause of success. Defendants, Michael Zyda and 411 Productions DTLA LLC, therefore, respectfully request that the Court deny Plaintiff’s Motion to Dismiss.

[SIGNATURE ON FOLLOWING PAGE]

Respectfully submitted,
Michael Zyda and 411 Productions DTLA, LLC,
By their attorney,

/s/ Kevin P. Polansky
Kevin P. Polansky (#CT28806)
Kevin.polansky@nelsonmullins.com
Nelson Mullins Riley & Scarborough LLP
One Financial Center, Suite 3500
Boston, Massachusetts 02111
p. (617) 217-4700
f. (617) 217-4710

Dated: January 9, 2024

CERTIFICATE OF SERVICE

I, Kevin P. Polansky, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

Dated: January 9, 2024

/s/ Kevin P. Polansky

EXHIBIT A

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

LU NING,

Plaintiff,

v.

MICHAEL ZYDA, ET AL.,

Defendants.

:
:
:
:
:
:
:

Civil Action No: 3:23-cv-395-VAB

December 11, 2023

PLAINTIFF'S RESPONSES TO DEFENDANTS' INTERROGATORIES

Plaintiff responds to the defendants' interrogatories as follows:

INTERROGATORIES

1. Identify each and every person with whom you have consulted or who has assisted you in preparing your responses to these interrogatories. Include in your responses [2] a list of the interrogatories he or she assisted with and [3] the nature of the assistance (including any information) provided.

ANSWER: My attorney has assisted me, (a) on all interrogatories, (b) in the nature of legal assistance.

OBJECTION: To the extent that this question invades the attorney-client privilege, information that is subject to the privilege is not being included.

2. [4] Identify any persons, including but not limited to any of Defendants' purported current and former employees, supervisors, and managers, with whom you have, or anyone acting on your behalf has, engaged in communications concerning any of the events that are the subject of the Complaint, or from whom information either has been sought or received concerning any of the events that are the subject of the Complaint, including, but not limited to, identification of any person who provided any statements (oral or written).

ANSWER: It is impossible for me to identify every single person with whom I have spoken about the events at issue in this case, which have greatly affected and destroyed my life.

However, if you reference the initial disclosures I provided in July 2023, you will find a list of witnesses, many of whom I have spoken to about the case. They include, but are not limited to:

Nathan Scott Ellis works at United Talent Agency. He was the sponsor/agent of Ning's O1 Visa. He raped, scammed her tuition/money, and worked free on his film projects while studying at USC.

Min He, Composer, USC alumni

Lu Li, Screen Writer, Filmmaker, USC alumni

Ran Li, Screen Writer, Filmmaker, USC alumni

Fei Yu, Screen Writer, Filmmaker, USC alumni

Ray Cui, Screen Writer, Filmmaker, USC alumni

Li Ying Mei, Screen Writer, Filmmaker, USC alumni

Xixi Huang, Designer, USC alumni, Qingdao, China

Juan Martinez Vera, Screen Writer, Filmmaker, USC alumni

(Henry) Guo Qing Liu, Screen Writer, Filmmaker, USC alumni

Hao Wen Tan, USC alumni, Software Engineer, Qualcomm USA

Janet Yang, President of the Academy of Motion Picture Arts and Sciences

Teddy Zee, Producer/Media & Technology Executive, Teddy Zee Productions

Davis Wu, Director of International Programs at Keck Medicine of USC, When Zyda sexually harassed, retaliated, evicted, and forced Ning to commit suicide, paramedics came to rescue her from panic attacks twice. Ning called her mom and Davis.

Anqi Wu, USC alumni, Her parents are very close to Qingyun Ma, former dean of the USC School of Architecture; Ma and Zyda co-founded the company Great Wall Tiger, Xi'an, China.

Chuck Ng, Investor & Entrepreneur - President of UC Berkeley BCAIA (Chuck introduced Ning to Shoucheng Zhang, Founder of Danhua Capital and Alfred Chu)

Alfred Chu, Managing Partner, Starlite Investment Group, Ning brought Alfred to USC Gamepipe Lab to see the iStarvr project demo and met Zyda. Chu invested in VersusGame and Athanos, which Ning and Zyda co-advised companies.

Wen H. Hsieh, Partner at Kleiner Perkins

Jennifer Liu, CEO of US News Express

Jesse Chang, Entrepreneur, Lawyer, C100 NGL

Norman Yee, Educator, Former San Francisco Supervisor

Staff, Records Manager, USC Department of Public Safety

Dianne Harris-Matsuda, Jacob Boarnet, Brittany Gibson, USC Title IX Office

iStarvr Engineer team: Hirak Modi, Tian Zhu, Xinzhe Li, Xun Yang, Ze Wei Wang, Fang Zhou Long, Li Quan Chen, Pavan Kumar Gondhi, Niranjana Bhaskar, Surbhi Goel, Bharathwaj, Croitoru M, Emory

Irpan, Samorai Jack, Sarvshrest Singh, Nan Zhang, Songyue Huang, Chen Huang, Chen Xu, Liang Zhuang, Chao Ran Lu, Wei JiangDang, Yi Qi Lin, Tian Yu Fang, Qian Yu Chen, Chen Gao Jiang, etc.
 411 Productions DTLA former employees on LinkedIn: Lu Zhang, Michael Longley, Joel A Clark
 Sherlyne D. APRN, Yale New Haven Health
 Ben Haldeman, Attorney at NHLAA, Lecturer at Yale Law School
 Keren Salim, Attorney at NHLAA
 Kathy Lu, Attorney at Sanctuary for Families, Yale Law School alumni
 Nagwa Ibrahim, Tiana Marisol Cherbosque, Coalition to Abolish Slavery and Trafficking
 Staff, National Human Trafficking Hotline
 Staff, Rainn Hotline for Sexual Assault and Harassment
 Lisa Ruiz, LAPD officer
 CHRO-EEOC staff & attorneys
 New Haven Fair Rent Commission
 RMS Companies and LAL attorneys
 Gene Tu, Masterstroke Law APC
 Sophia K. Yen, Partner Manatt Entertainment
 Beverly Smith, California Civil Rights Department
 Labor Commissioner, State of California - Department of Industrial Relations
 Pedro Nava, Chair, California Little Hoover Commission
 Labor Commissioner, Connecticut Department of Labor
 Lina M. Khan, Federal Trade Commission Chair
 John Newman, Deputy Director of the FTC Bureau of Competition
 Andrew Chongseh Kim, Senior Foreign Attorney of Bae, Kim & Lee LLC
 Gregory P. Wong, Managing Attorney of Barkhordarian Law Firm, PLC
 Ira Kurzban, Lawyer, Founding Partner of Kurzban, Kurzban, Tetzeli, & Pratt P.A.
 Marshall Ruben, President of Ruben/Horan, P.C. Hartford, Connecticut
 Paul P Cheng & Associates Trial and Litigation Attorneys
 Jesse Weiner, Lawyer, Co-Managing Partner at YK Law LLP
 Kevin D. DeBré, Stubbs Alderton & Markiles, LLP
 Gloria Allred, Christina Cheung, Lawyers at ALLRED, MAROKO & GOLDBERG
 David Cohen, Lawyer, Wofsey, Rosen, Kweskin & Kuriansky, LLP
 Virginia Morales, All for the paws

I do not remember the dates and names of all the people whom I have spoken with about the case.

OBJECTION: To the extent that this question invades the attorney-client privilege, information that is subject to the privilege is not being included. Additionally, this question is overly broad and unduly burdensome, so plaintiff objects and reserves the right to supplement this answer as her memory is refreshed or as her investigation unearths new information in discovery.

3. [5] State the factual basis of your claim that you “did tasks outside of [your] consulting job responsibility, including temporary CEO, BP, marketing research, producing, acting, designing, financing, hiring, PR, cooking, and cleaning,” including [6] what you allege were the tasks of your purported consulting job, and the [7] date, [8] circumstances, and [9] manner of the performance of tasks outside of the purported consulting role.

ANSWER: 10/20/2015, Qing Yun Ma, Former Dean of the USC School of Architecture, and Michael Zyda, Founder and director of USC Game PipeLab, invited Ning to see their co-founded company film & game “Great Wall Tiger” in Zyda’s DTLA office. Ning politely declined when Ma asked her to invest money in the A or B round. Instead, Ning provided advice and her investor network.

Please see the WeChat records: Qing Yun Ma and Ning:

https://docs.google.com/document/d/1NRjrSS8_fhYBkZZIY1pLzEPDVw_lkolVw6Krvtkg-j8/edit?usp=sharing

Then, Zyda induced Ning to his 411 and USC offices to see clients, employees, and students' projects. Ning provided advice for projects, the 411 website, CEO Zyda’s bio and CV, etc.

Without consent, Zyda often took Ning's photos and videos and posted them on social media. Ning asked Zyda to delete them, but he never did so, which was an infringement of Ning's publicity rights! (Please Refer to Ning’s Publicity Rights Litigation Case)

Zyda trapped and kidnapped Ning from her O1 Visa sponsor/agent - Nathan Ellis, 2U Entertainment, Ci Wen Media, and others. (Business Damage: Contracts, Published Magazine, Bill, Chat Record)

Zyda induced/abetted Ning into changing her iStar original research business plan into Virtual Reality. Since April 2016, Zyda contracted and enslaved Ning to work at the 411 office and the USC campus. Zyda trapped Ning to sleep on the couch in his apartment overnight. (Email: Zyda asked Ning for her driver's license ID to give his home and office keys)

Relying on Zyda's representations, contracts, and promissory words, Ning worked over 12 hours a day, 7 days a week. Ning never had a holiday, regular meals, fitness, health insurance, exams, or treatment from 2016 to 03/2020.

Zyda manipulated/supervised Ning as his Temporary CEO, Business Plan, Marketing Research, Financing, Hiring, Producing, Acting, Designing, Public Relations, Driving, Visa Paperwork, Cooking, and Cleaning.

Temporary CEO, Business Plan, Marketing Research, Financing:

Zyda extorted Ning to raise \$10 Million in funding for iStarvr, causing (Andrew) An Jia Gu, co-founder of Danhua Capital, to rape Ning at Ritz-Carlton DTLA.

05/09/2016, Gu promised Ning to invest over \$3 Million and referred Ning to open an SVB business account. 06/10/2016, Gu emailed Ning a first \$500k seed investment term sheet. Ning told Zyda that Gu had sex after alcohol and proposed marriage to have babies with her, and she was afraid to continue business with Gu, but Zyda failed to report the LAPD and yelled at Ning: "We Need Money!" Ning was unconscious of the nature of the act and her legal rights because of her childhood sexual abuse trauma and mental disabilities. Ning was severely depressed again!

Ning served Project/Startup "iStarvr" as Founder & temporary CEO: Business Plan, Marketing Research, Customer Survey, Competition, and Fundraising.

Lead HR: Team Hiring, 2D&3D Artists, Frontend & Backend & Visual & Sound Engineers, Advisors. Zyda continually forced Ning into hiring USC students, over 20 graduate students with different professional backgrounds, to take his CS game courses and work on the iStarvr project, contributed tuition fees to his Game PipeLab, and created a case of interdisciplinary research within USC, enhancing Zyda's influence. However, some students complained about his teaching and dropped his courses CS 524, CS 526, Director Research. Yannis C. Yortsos, dean of the USC School of Engineering, canceled his courses in the 2022 spring.

Producer, Director, Actor: Implemented iStarvr Live Prototype & Demo & Acted in AD video poster.

Lead Designer: 2D Concept, UI/UX Features, 3D Community & 3D Avatars Interaction, Architecture & Infrastructure for Multi-players, A.I. Chatting & Searching & Training, Machine Learning system for User Experiences. Version: 2D Website, 3D Unity work for IOS, T.V., V.R., AR, and X.R. devices.

Public Relations: USC startup competitions, workshops, events, and social media communication.

USC MEPC & MFC & Marshall MBA Finance Workshop, Business Model Canvas Workshop, Storytelling Workshop, Startup Legal Basics Workshop -2017

NSF Innovation Corps The Lean LaunchPad, Business Model and Customers Development -2017

Won Top USC Viterbi Technology & Innovation - Social Enterprise & Tech Entrepreneurship, Competitions from hundreds of start-up applicants, Selected for the USC Demo Day sponsored by IncubateUSC (Lloyd Grief Center and USC Marshall Business School) on 4/7/2017.

Driving: From 2016 to 2019, Every week, Ning took Zyda to and from work by driving her 2016 Porsche SUV, which cost over \$80,000, and escorted employees/students home at midnight after work. In 2019, Ning had to sell her car and belongings to survive the financial damages caused by Zyda.

Personal Injury: From the fall of 2018 to April 2020, Zyda trapped Ning to live on his air mattress on the floor in his dangerous home office after requesting her return from Beijing, causing Ning to suffer a severe personal injury, her spine to be deformed, and extreme pain. Ning suffered from repeated sexual harassment from Zyda and was exposed to threats of knifepoint murder from a neighbor of Zyda!

Visa Paperwork: Since 2016, Zyda has failed to hire and pay the immigration attorney to transfer Ning's O1 to H1B visa, 1st E11, and EB2-NIW green card application.

Zyda directed Ning to spend years on her visa paperwork and supervised and checked Ning's 1st E11 and EB2-NIW green card application files and O1 work visa renewal in his apartment. Zyda would not have written letters supporting her applications if Ning hadn't done what he asked!

Business Plan: From 11/2018 to 01/2019, Zyda coerced Ning to work day and night on the Shakespeare Interactive Project Business Plan for Benjamin Donenberg, Shakespeare Center of Los Angeles!

Cooking and Cleaning: Zyda took Ning to shop for groceries once a week and asked her to carry heavy grocery bags to walk back. Zyda asked Ning to cook every day! Zyda's cleaner, Rena, came once in one or two weeks. In between, Zyda required Ning to clean his apartment. He would be furious and yell at Ning when the house was dirty, even though he was responsible. Zyda asked Ning to pick up most of his packages and letters and organize heavy mineral water buckets!

On 01/23/2020, Ning refused to do housework after her knees got injured, and she was in emotional distress due to acting in Dave Franco's commercial & Lyft driver abuse. Zyda yelled at Ning that she needed to keep the home clean and cook, not ordering every meal and sending her recipes to learn. Zyda discouraged Ning to seek compensation from Dave Franco and Legal Aid. Zyda failed to take Ning to the hospital for treatment. Her wound was not handled professionally, so the scars are still on her knees today!

Massage, Sexual Harassment, Deportation, Forced Suicide:

Zyda asked Ning to massage him, which was creepy!

On February 14, 2020, Zyda complained that his feet needed a massage; to diplomatically redirect his sexual harassment, Ning ordered an electric massager to take care of his foot massages for him. Angry that Ning would not physically touch his feet, Zyda requested that Ning return the massager to Amazon, and he pointedly told Ning that he enjoys manual massages. Zyda made it 100% clear that he was making inappropriate physical advances!

On February 21, 2020, Zyda asked Ning to massage him again. Zyda told Ning about how he lived with someone who massaged him for two years earlier. Zyda told Ning that he got free massages every morning. Zyda told Ning that he had massage oil in his bathroom. Zyda said, "You need to give me massages," ordering Ning to do so. When Ning asked why the prior roommate did not give him massages anymore, he told Ning that she tried to kill him and she was crazy!

When Ning would argue with Zyda about issues like trying to force Ning to give him massages, he would threaten to have Ning arrested and deported. Zyda used his prior roommate as an example when threatening Ning!

Regarding Ning's consulting contract with Zyda, please see the letter of April 5, 2016, which is being produced by attorney. The contract stated that Ning would be an Advisor, helping with events, production processes, technology development, and tasks. It stated that Ning would be working along with development team, programmers, and executives. It did not state that Ning would be Zyda's personal home slave and subject to his physical and sexual advances on a daily basis. It also guaranteed Ning \$5,000 a week in income, which induced Ning into this nightmare scenario but never materialized, resulting in over \$2,000,000.00 in unpaid backpay!

Consulting: Advisor/Consultant for 411 from 2016-2022

Ning's years of work contributed to Zyda receiving the [IEEE Virtual Reality Technical Achievement Award](#) for fundamental work in VR networking, body tracking & institutionalizing the application of VR, and other recognitions. (EB1A testimony letter by Michael Zyda)

Ning delivered high-quality coaching, support, DEI Culture and strategy relationship, Investor relationship, Personal leadership, and organizational leadership to the CEO and clients. Oversee development follow-up process:

Provided evaluation on products (software, hardware, content), creative & development, business plans, marketing analysis, interpretation, and translation for client companies.

Build and maintain strong relationships:

Supervised daily office management, coordinated business relationships, advised USC CS - SCA joint programs & courses; Participated in events, conferences, and forums with USC leaders, donors, investors, professors, students, etc.

Supported the overall goals of the organization as an active and engaged Advisor/Consultant and made millions of dollars in value.

Ning provided analysis and advice for Athanos 3D & Paten Design & Commercial Videos, Awowd Edu BP & contract, Muoe documents, KK Inc contract, Versus Game Business model & contract, Esports DTLA BP, Oceanwide Project, Dubai Project, Landmark Entertainment Group, Stanford project, Berkeley project, Shanghai Yuqi network tech Company, clients CV, and among others.

Manner: oral, written, and electronic communication (onsite and remote).

For other substantiation of Ning's consulting agreement and the requests for her to do work outside of her job responsibilities, please see the documents Ning is producing simultaneously with these answers.

OBJECTION: To the extent that this question invades the attorney-client privilege, information that is subject to the privilege is not being included. Additionally, this question is overly broad and unduly burdensome, so plaintiff objects and reserves the right to supplement this answer as her memory is refreshed or as her investigation unearths new information in discovery.

4. State the factual basis of your claim that you are a “person with qualifying disabilities under statute.”

ANSWER: Ning has been diagnosed with PTSD, Severe Depression, Anxiety, and Panic Attacks.

5. [10] State the factual basis of your claim that you were denied reasonable accommodations.

ANSWER: When Ning's knees hurt from doing too much work, Zyda would yell at Ning that she needed to keep the home clean and cook and would not allow her to take time off of work or go to the hospital! Zyda denied Ning's housing accommodation requests. Zyda denied Ning's requests to have medical expenses reimbursed. Zyda denied Ning's health insurance. Zyda denied Ning's personal space. Zyda denied Ning a safe, healthy working environment free from physical intrusion and requests. Zyda exacerbated and caused Ning's disabilities to develop and worsen, causing her great physical and emotional suffering! Zyda purposefully denied and cut off support to her service animals, resulting in her ESA cat's death due to denied medical care!

OBJECTION: This question is overly broad and unduly burdensome, so plaintiff objects and reserves the right to supplement this answer as her memory is refreshed or as her investigation unearths new information in discovery.

6. [11] State the factual basis of your claim that you were discriminated against on the factual basis of your sex, disabilities, national origin, and race.

ANSWER: Ning was not discriminated against “on the factual basis of [my] sex, disabilities, national origin, and race.” Ning was discriminated against *because of* her sex, disabilities, national origin, and race.

7. [12] State the factual basis of your claim that you are owed over \$2,000,000 in backpay by Defendants.

ANSWER: Zyda trapped and kidnapped Ning to work for him by promising \$5,000 a week. This is in a written contract that has been produced. More than \$2,000,000 is owed under that contract alone.

Other Business/Personal Financial Loss Evidence: Contracts, Published Magazine, Bill, Chat Record.

8. [13] State the factual basis of your claim that you were sexually harassed by Defendants.

ANSWER: Please see Ning’s answer to interrogatory #3. In addition to the foregoing, Zyda regularly made verbal and text comments to Ning of a sexually harassing nature, including but not limited to:

“Love you” “Miss you” “You brighten my days” “You are here, make me swim faster”

“I could be your husband if I am ten years younger; you would be my wonderful wife and business partner,” “We are a perfect couple.”

Zyda would complain to me that his wife would not provide him with sex.

Zyda would ask that we buy a house together.

Zyda would say “You are a Chinese version of my wife.”

“You have beautiful and smooth skin” “I’d love to see your children” “We can have more children”

“I wish Amazon produce a dating robot like you.”

“Give me your passport” “Give me your DL-ID, I need a copy.”

“You are mine”

“You are a silly goose”

“You need to work for me”

“You need to cook for me”

“You need to clean the apartment”

“You need to do more work”

“You need to give me massages”

“I’ll call the police”

“You are fired”

“I will return you to China”

He would also make jokes about other women around me.

Zyda would take pictures of Ning while she was sleeping and tell her, “I like your sleeping face.”

05/2017-07/2017/ Zyda stole Ning’s data and hacked into her computers. (See evidence)

01/25/2020, Zyda: [https://cooking.nytimes.com/68861692-nyt-cooking/864096-lunar-and-](https://cooking.nytimes.com/68861692-nyt-cooking/864096-lunar-and-Chinese-new-year-Recipe-seems-simple-just-need-ingredients)

Chinese-new-year Recipe seems simple - just need ingredients; See the other link I sent - 45 Chinese recipes.

02/22/2020, Zyda forced Ning to attempt to commit suicide. Zyda threatened to throw Ning into the street during the COVID-19 outbreak; Zyda maliciously slammed doors around Ning and all around the apartment, including refrigerator doors, dishwasher doors, and throwing stainless steel water bottles.

04/24/2020, Zyda: “Sorry, I yelled at you”

06/17/2020, Zyda: “Stop putting charges on my credit card.”

08/10/2020, Zyda: “You need to become an American or marry an American so you can stay.”

12/03/2020, Zyda: “Maybe you will have to come back!”

12/15/2020, Zyda: “Lu “Covid-19 Ning.” “It is kind of funny - I could not wait until you moved out & now I miss you much!”

12/31/2020, Zyda: “Happy new year! Miss you as well!!! No one makes hot pot for me anymore!”

01/02/2021, Zyda: “I will bring you back as my roommate & cook!”

01/06/2021, Zyda: “You can come back & live with me.”

01/10/2021, Zyda: “You need to speed up the husband search.”

01/19/2021, Zyda: “You should try and make a cooking channel on Youtube and Instagram.”

01/23/2021, Zyda: “You will have to come back.”

01/29/2021, Zyda: “I want to have more children.” “I’m thinking I need to find a beautiful Chinese woman who wants to have children.”

01/30/2021, Zyda: "Facebook sent me an ad for an Asian Dating service, so made me think of you."

03/17/2021, Zyda: "You can come back to California."

04/06/2021, Zyda: "You are my bunny; I miss You; you are like the Chinese version of Tyerin."

04/15/2021, Zyda: "My son bought a new home. Maybe I can stay there when I work at Stanford. But I probably need to have my own place so you can move back in with me. Then I will become your partner."

04/23/2021, Zyda: "You are the cutest - you are like a Chinese version of Tyerin." Ning: "I am myself."

04/27/2021, Zyda: "If I lose more weight, will you come back?" "You haven't done anything for me." "You need to put the costs of moving as expenses. Moving costs are completely deductible. You need to put those expenses on Schedule C. I will not send you any more money unless you fix your taxes so that you do schedule C. You are done. You are fired, and I will no longer support you. Stop charging things on my credit cards."

Ning: "<https://www.irs.gov/instructions/i3903>," IRS policy did not allow moving expenses as deductible.

05/21/2021, Zyda: "You are not here to scrub my back anymore." Ning: "I never scrub anyone's back."

Zyda: "Must have been a dream."

06/17/2021, Zyda: "Did you use my credit card at Walgreens?" "What's wrong with you?" "Maybe you should come back here."

06/19/2021, Zyda: "Read The Games Column #1 V2.0.docx" to advise on his editing work for IEEE magazine. Ning refused because she was swamped solving her health issues in the hospital.

07/10/2021, Zyda: "We will have to start calling you 'Lumpy.'"

08/04/2021, Zyda: "Very expensive. I cannot afford to pay anything for this at this time. There is never a rush to pay hospitals. Have you been talking to your family? You should let your mother know. Did she want to bring you home? So, you never want to go back to China?"

08/25/2021, Zyda: "You haven't done any work for me in over a year. When I ask you to read contracts, you just say 'busy' and never do it. So, you are fired."

08/26/2021, Zyda: "You are so sick!"

10/13/2021, Zyda: "You move back here; you could swim every day."

11/06/2021, Zyda: "I have over 80,000 photos, most of them are you. Maybe Apple can buy you for me." "I miss your cooking."

12/06/2021, Zyda: "I need to get me a cute Chinese roommate who can cook for me."

12/08/2021, Zyda: "My temperature is always that when I visit the doctor see if I can still have children" "You have to come back and cook for me." "Or maybe you will have to go to Dubai with me." "I have another Chinese woman who wants to come with me, anyway." "Do you have high blood pressure? Then we would be a pair." "Have you gained weight?" "So, how are you going to get a man if you gain weight?" "Weight gain is why you are having trouble walking far."

04/02/2022, Zyda denied Ning's housing accommodation to provide financial documents or a guarantor letter for her lease renewal. Zyda insulted Ning by saying that writing is not an occupation; her health condition-disabilities have delayed all projects, memoir writing, and documentary progress!

Zyda induced Ning into thinking she would be less depressed if she worked/lived with him in LA.

Zyda: "If you were here, you would be less depressed."

Zyda: "Do you have family back in China you can return to? You have never done the work I asked you." "I have asked you to read and evaluate all the Muoe documents, and you have never even responded." "So, look I want you to spend some time drafting a plan for me to read on how you will start supporting yourself in the next 90 days. I want this place by Wednesday." "If you can afford an attorney, then you don't need any more funding from me." "You weren't working for me in LA. I gave you a free couch to keep on when you stopped working. Ok - you now need to support yourself."

Forced to quit:

Zyda strategically deprived Ning of fruit, violating the duty of good faith and fair dealing. Zyda deliberately forced Ning into unfair multiple jobs, threatened to fire her, and forced her to move back to LA to live and work with him. Zyda denied and disparaged all her contributions to escape his promises. Ning felt like an apple was put into a juicer and thrown her residue into the trash - Dehumanization!

The trauma that Zyda caused Ning to be unable to remember every instance of sexual harassment that she endured; however, Ning does remember clearly that it was a constant onslaught and ordeal that she is still dealing with to this day. Ning also spent a year fighting her housing eviction threats and discrimination and seeking legal aid!

OBJECTION: This question is overly broad and unduly burdensome, so plaintiff objects and reserves the right to supplement this answer as her memory is refreshed or as her investigation unearths new information in discovery.

9. [14] Please identify any other company, person, or source other than Defendants from which you received compensation during the period of time you purportedly worked for Defendants.

ANSWER: 07/15/2018, Ning and Zyda provided 2 hours of consultation for Wei Huang, CEO of GG Technologies. Huang paid Ning on WeChat RMB 11000(\$1,535.16). Zyda gave Huang an invoice. See other production companies' income copies for more acting works coerced by Zyda for 2019-2020.

10. [15] For each company, person, or source you identified in response to Interrogatory No. 9, please identify by month the amount of compensation received, and [16] describe in detail the services you performed in return for such compensation.

ANSWER: See answer to Interrogatory 9 [14].

11. [17] State the factual basis for your claim that you had a valid employment agreement with Defendants in April 2016.

ANSWER: Zyda trapped and kidnapped Ning to work for him by promising \$5,000 a week. The contract is included with the documents the attorney is producing. The contract says that Ning would be employed. Zyda induced Ning into employment by the contract and by the first payment of \$10,000 check. When Ning worked for Zyda, he controlled every aspect of her work as an employer. See also answers to Interrogatories ##3 [5-9] & 8 [13], which are incorporated here by reference.

OBJECTION: This question is overly broad and unduly burdensome, so plaintiff objects and reserves the right to supplement this answer as her memory is refreshed or as her investigation unearths new information in discovery.

12. [18] Identify all employment agreements that you allege were at any point in effect between you and Defendants, including [19] the date on which the document was drafted, the date on which it was signed by you, the date on which it was signed by Defendants, the method of distribution for the agreement, whether any edits were made prior to signing, and include a copy of said agreement with your response.

ANSWER:

May 6, 2016, Ning to Zyda Email, Zyda to Ning Contract, Zyda to Ning Invoice #1 Check
May 25, 2016, Zyda Statement Regarding "CoFounder"

April 05, 2018, Zyda emailed Matthew Kaczynski and cc'd Ning: "Consulting Company Together."

November 21, 2018, Zyda emailed Benjamin Donenberg: "She is my business partner and very smart."

February 22, 2020, Email – Zyda and Ning

April 17, 2020, Zyda – Ning Agreement for Housing Accommodation purpose

February 25, 2021, Zyda EB1A Letter

Numerous oral agreements were also made during the time that Zyda and Ning worked together.

OBJECTION: This question is overly broad and unduly burdensome, so plaintiff objects and reserves the right to supplement this answer as her memory is refreshed or as her investigation unearths new information in discovery.

13. [20] Please provide a summary and description of your role and responsibilities at 411 before and after May 2020.

ANSWER: For Ning's job responsibilities before May 2020, please see her answer to Interrogatory ##3 [5-9] & 8 [13], which are incorporated here by reference. From May 2020 to April 2022, Ning worked remotely as an adviser/consultant in New Haven, Connecticut. Ning designed and delivered high-quality coaching, support, investor relationships, personal leadership, and organizational leadership to Zyda and clients. Ning oversaw the development follow-up process, provided evaluation of products, creative and business development, business plans, built and maintained relationships, supervised office management, advised programs and courses, participated in events and forums, and supported the overall goals of the organization, producing millions of dollars in value. Her role changed because she was able to escape the abusive in-person environment that she had been enduring in Zyda's dangerous apartment.

OBJECTION: This question is overly broad and unduly burdensome, so plaintiff objects and reserves the right to supplement this answer as her memory is refreshed or as her investigation unearths new information in discovery.

14. [21] Identify all notes and other documents and communications, including but not limited to any diaries, logs, correspondence, and memoranda, written, gathered, created or received by you,

concerning the events and allegations that are the subject of the Complaint, including but not limited to written documentation pertaining to your business relationship with Defendants.

ANSWER: I cannot remember at this time.

15. [22] Identify all employers that you have worked for between 2010 and present, and for each describe your [23] position, title, [24] compensation model, [25] supervisor name, and [26] dates of employment.

ANSWER: 2008-2013: Artist (Actress & singer) for Huayi Brothers Media Corporation, China

Ning does not know the full structure of her compensation because Huayi Brothers was her agent at the time, and they would collect the compensation and then pay her. Ning forgot how much they paid her. It was on a commission basis. (James) Zhong Lei Wang was her CEO.

2012-2013: Ambassador for China Youth Development Foundation

This Organization paid Huayi Brothers for Ning's work. She does not remember how much she was paid. (James) Zhong Lei Wang was her CEO.

2013-2017: Executive Director of IGT Interstellar Global, China

Please see the due diligence document Zyda and Ning produced for Danhua Capital for more information. Bankruptcy and cancellation caused by Zyda.

2016-2022: Michael Zyda and 411 Productions DTLA LLC

Please refer to Ning's other Interrogatory responses and her Complaint.

2023-present: Founder of Stellar Studios LLC

Zero income from Stellar Studios due to working on the lawsuits day and night.

OBJECTION:

"Unless . . . ordered by the court, a party may serve on any other party no more than 25 written interrogatories, including all discrete subparts." Doe v. Town of Greenwich, No. 3:18CV01322(KAD), 2020 WL 2374963, at *1 (D. Conn. Feb. 28, 2020). Parties cannot evade this numerosity limit by "joining as 'subparts' questions that seek information about discrete separate subjects." Fed.R.Civ.P. 33 Advisory Committee's Note to 1993 Amendments. Thompson v. Lantz, No. 3:04CV2084 AWT, 2009 WL 3157563, at *1 (D. Conn. Sept. 25, 2009). Defendants have not sought leave to serve more than 25 interrogatories. Plaintiff has renumbered the defendants' interrogatories to delineate the discrete

subparts that should be counted as separate questions, has answered more than those 25 interrogatories, and OBJECTS to each interrogatory exceeding 25 as exceeding the number of interrogatories permitted by the Federal Rules of Civil Procedure.

OBJECTION: This question is overly broad and unduly burdensome, so plaintiff objects and reserves the right to supplement this answer as her memory is refreshed or as her investigation unearths new information in discovery. Additionally, this question is not proportionate to the needs of the case and is unduly harassing and invasive of the plaintiff's privacy.

16. [27] Identify all communications, including texts, WeChat messages, iMessages, Facebook messages, emails, or social media posts, between you and Defendants or concerning your relationship with Defendants that you have deleted since October 2015, noting the date the communication was originally made, the content, the recipient, the date you deleted it, and why it was deleted.

OBJECTION:

"Unless . . . ordered by the court, a party may serve on any other party no more than 25 written interrogatories, including all discrete subparts." Doe v. Town of Greenwich, No. 3:18CV01322(KAD), 2020 WL 2374963, at *1 (D. Conn. Feb. 28, 2020). Parties cannot evade this numerosity limit by "joining as 'subparts' questions that seek information about discrete separate subjects." Fed.R.Civ.P. 33 Advisory Committee's Note to 1993 Amendments. Thompson v. Lantz, No. 3:04CV2084 AWT, 2009 WL 3157563, at *1 (D. Conn. Sept. 25, 2009). Defendants have not sought leave to serve more than 25 interrogatories. Plaintiff has renumbered the defendants' interrogatories to delineate the discrete subparts that should be counted as separate questions, has answered more than those 25 interrogatories, and OBJECTS to each interrogatory exceeding 25 as exceeding the number of interrogatories permitted by the Federal Rules of Civil Procedure.

OBJECTION: This question is overly broad and unduly burdensome, so plaintiff objects and reserves the right to supplement this answer as her memory is refreshed or as her investigation unearths new information in discovery. Additionally, this question is not proportionate to the needs of the case and is unduly harassing and invasive of the plaintiff's privacy.

17. Identify all addresses where you have lived since 2015, including whether you rented or owned; who the named owner, mortgagor or lessor on the property was; if rented or mortgaged, the monthly amount that you paid for the property; how long you lived there; who you lived with; when you moved; and why you moved. Please include in your answer the date that you moved in with Defendant Zyda, why you moved in with him, and whether you paid any money in rent while living with him.

OBJECTION:

“Unless . . . ordered by the court, a party may serve on any other party no more than 25 written interrogatories, including all discrete subparts.” Doe v. Town of Greenwich, No. 3:18CV01322(KAD), 2020 WL 2374963, at *1 (D. Conn. Feb. 28, 2020). Parties cannot evade this numerosity limit by “joining as ‘subparts’ questions that seek information about discrete separate subjects.” Fed.R.Civ.P. 33 Advisory Committee’s Note to 1993 Amendments. Thompson v. Lantz, No. 3:04CV2084 AWT, 2009 WL 3157563, at *1 (D. Conn. Sept. 25, 2009). Defendants have not sought leave to serve more than 25 interrogatories. Plaintiff has renumbered the defendants’ interrogatories to delineate the discrete subparts that should be counted as separate questions, has answered more than those 25 interrogatories, and **OBJECTS** to each interrogatory exceeding 25 as exceeding the number of interrogatories permitted by the Federal Rules of Civil Procedure.

OBJECTION: This question is overly broad and unduly burdensome, so plaintiff objects and reserves the right to supplement this answer as her memory is refreshed or as her investigation unearths new information in discovery. Additionally, this question is not proportionate to the needs of the case and is unduly harassing and invasive of the plaintiff’s privacy.

18. Identify each person whom you understand to possess information concerning either the claims or defenses in this action, or whom you intend to call as a witness at trial and set forth the information you understand each person to possess regarding the claims or defenses in this action.

OBJECTION:

“Unless . . . ordered by the court, a party may serve on any other party no more than 25 written interrogatories, including all discrete subparts.” Doe v. Town of Greenwich, No. 3:18CV01322(KAD), 2020 WL 2374963, at *1 (D. Conn. Feb. 28, 2020). Parties cannot evade this numerosity limit by “joining as ‘subparts’ questions that seek information about discrete separate subjects.” Fed.R.Civ.P. 33

Advisory Committee's Note to 1993 Amendments. Thompson v. Lantz, No. 3:04CV2084 AWT, 2009 WL 3157563, at *1 (D. Conn. Sept. 25, 2009). Defendants have not sought leave to serve more than 25 interrogatories. Plaintiff has renumbered the defendants' interrogatories to delineate the discrete subparts that should be counted as separate questions, has answered more than those 25 interrogatories, and OBJECTS to each interrogatory exceeding 25 as exceeding the number of interrogatories permitted by the Federal Rules of Civil Procedure.

OBJECTION: This question is overly broad and unduly burdensome, so plaintiff objects and reserves the right to supplement this answer as her memory is refreshed or as her investigation unearths new information in discovery. Additionally, this question is not proportionate to the needs of the case and is unduly harassing and invasive of the plaintiff's privacy.

ANSWER: Notwithstanding this objection, please see these Interrogatories as well as the Initial Disclosures. Witness lists and expert witnesses will be disclosed pursuant to the Court's Scheduling Order.

19. [28] Identify each and every expert, including those that you intend to call as an expert witness at trial, who has been retained, specifically employed or consulted by you in anticipation of litigation or in preparation for trial, and for each such expert, [29] state the subject matter on which he/she was consulted, [30] identify all documents, including any reports or communications, relating to the expert's testimony or opinions, [31] summarize any oral reports, and for those experts you intend to call at trial, [32] state the subject matter on which each such person is expected to testify, [33] the qualifications of the person to testify on the subject matter as an expert, and [34] the substance of the facts and opinions to which the expert is expected to testify and [35] a summary of the grounds for each opinion.

OBJECTION:

"Unless . . . ordered by the court, a party may serve on any other party no more than 25 written interrogatories, including all discrete subparts." Doe v. Town of Greenwich, No. 3:18CV01322(KAD), 2020 WL 2374963, at *1 (D. Conn. Feb. 28, 2020). Parties cannot evade this numerosity limit by "joining as 'subparts' questions that seek information about discrete separate subjects." Fed.R.Civ.P. 33 Advisory Committee's Note to 1993 Amendments. Thompson v. Lantz, No. 3:04CV2084 AWT, 2009

WL 3157563, at *1 (D. Conn. Sept. 25, 2009). Defendants have not sought leave to serve more than 25 interrogatories. Plaintiff has renumbered the defendants' interrogatories to delineate the discrete subparts that should be counted as separate questions, has answered more than those 25 interrogatories, and OBJECTS to each interrogatory exceeding 25 as exceeding the number of interrogatories permitted by the Federal Rules of Civil Procedure.

OBJECTION: This question is overly broad and unduly burdensome, so plaintiff objects and reserves the right to supplement this answer as her memory is refreshed or as her investigation unearths new information in discovery. Additionally, this question is not proportionate to the needs of the case and is unduly harassing and invasive of the plaintiff's privacy. Plaintiff further objects that this interrogatory is premature and that expert disclosures will be made pursuant to the Federal Rules of Civil Procedure and this Court's Scheduling Order.

20. Detail, describe and quantify every form of injury or damage that you allege you have suffered as a result of the events described in the Complaint, including, without limitation, monetary or consequential damages, alleged future loss of earnings, emotional distress damages, punitive damages, and attorneys' fees, and explain how such damages were calculated.

OBJECTION:

"Unless . . . ordered by the court, a party may serve on any other party no more than 25 written interrogatories, including all discrete subparts." Doe v. Town of Greenwich, No. 3:18CV01322(KAD), 2020 WL 2374963, at *1 (D. Conn. Feb. 28, 2020). Parties cannot evade this numerosity limit by "joining as 'subparts' questions that seek information about discrete separate subjects." Fed.R.Civ.P. 33 Advisory Committee's Note to 1993 Amendments. Thompson v. Lantz, No. 3:04CV2084 AWT, 2009 WL 3157563, at *1 (D. Conn. Sept. 25, 2009). Defendants have not sought leave to serve more than 25 interrogatories. Plaintiff has renumbered the defendants' interrogatories to delineate the discrete subparts that should be counted as separate questions, has answered more than those 25 interrogatories, and OBJECTS to each interrogatory exceeding 25 as exceeding the number of interrogatories permitted by the Federal Rules of Civil Procedure.

ANSWER: Notwithstanding this objection, please see these Interrogatories as well as the Complaint. Damages are for determination by the trier of fact.

Respectfully Submitted,

THE PLAINTIFF

By _____/s/_____

Alexander T. Taubes ct 30100

470 James Street, Suite 007


New Haven, CT 06513

(203) 909-0048

alextt@gmail.com

DECLARATION UNDER PENALTY OF PERJURY

I, Lu Ning, pursuant to 28 U.S.C. § 1746, declare under the pains and penalties of perjury that the foregoing answers are true and accurate to the best of my knowledge, belief, and recollection.

DocuSigned by:

45C1C3399394472...

Lu Ning

12/11/2023

Date

EXHIBIT B

Archived: Tuesday, January 9, 2024 1:45:50 PM

From: [Interstellar Global](#)

Mail received time: Wed, 27 Apr 2022 19:58:50 -0400

Subject: Re: USC Title IX - Lu Ning v. Michael Zyda, 411 Productions LLC & U.S.C

Hi Jacob,

Thank you very much

 [Lu Ning v. Michael Zyda, 411 Productions LLC & ...](#)

Lu Ning

424-666-4558

Jacob Boarnet <jboarnet@usc.edu> ?2022?4?27??? 19:50??:

Hi Lu,

My email is jboarnet@usc.edu.

Best,

Jacob



From: Interstellar Global <interstellargroup@gmail.com>

Sent: Thursday, April 21, 2022 5:12 PM

To: Office for Equity, Equal Opportunity, and Title IX <eeotix@usc.edu>; Dianne Harris-Matsuda <dharrism@usc.edu>

Subject: USC Title IX - Lu Ning v. Michael Zyda, 411 Productions LLC & U.S.C




Dear  Dianne,

It was a great pleasure to speak with you last week. Thank you very much for encouraging me to protect my rights. I've attached a report of Lu Ning v. Michael Zyda, 411 Productions LLC & U.S.C.



Brief Reason:

Due to the wrongful behavior of my employer Michael Zyda, CEO of 411 Productions LLC, Founding director and professor of USC Engineering school Game pipe lab. I have been suffering and struggling from discrimination, sexual harassment, retaliation, and physical & mental abuse, which caused persistent PTSD, anxiety, panic disorder, severe depression, attempted suicide, and clinically diagnosed mental disability. 



Best regards,

Lu Ning

424-666-4558



EXHIBIT C

How
it
works

Search

Start a
GoFundMe



Sign in

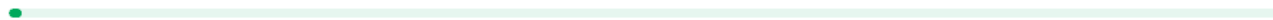
Share

Donate



Please Save Animal - Make a Nonprofit

\$1,656 raised of \$1,000,000 goal • 55 donations



Share

Donate now



Jesse Chang
\$20 • 21 d



Virginia Morales

\$27 • 2 mos



Virginia Morales

\$27 • 5 mos



Anonymous

\$20 • 5 mos



Paola Escobar-McCabe

\$20 • 5 mos

[See all](#)[See top donations](#)[See top](#)**Team fundraiser**

Lu Ning and Virginia Morales are organizing this fundraiser.

This is my first time fundraising for our animal friend - Luna, a 2-year-old stray cat. Since I often donated to others before, it's embarrassing for me.

I don't know how to deal with the sudden disaster. Especially my crazy former employer retaliated against me for refusing his sexual harassment, unequal duties, and back pay. He terminated my employment, violating my contract with years of discrimination based on my sex, race, and national origin. (The fact is the U.S.A. was founded on the home of Indians, built by enslaved hands, and thrives on systemic injustice).

Luna means everything to me. In 2022, She became my emotional supporter after I was diagnosed with physical illnesses. However, this criminal employer not only ended my health insurance and medical bills and ended Luna's insurance! We went to several veterinary hospitals in Connecticut, which cost over \$8000, run out of credit cards.

Luna was initially misdiagnosed with HCM, DCM, Pulmonary Edema, and Pleural Effusion at CHFVM in New Haven, CT. But failed to correctly diagnose and treat Pneumonia, HOCM, Congestive heart failure, Mitral Valve Endocarditis, etc. CHFVM also discriminated against and threatened us due to limited medical funds, declined to continue treating the patient and interpreting the blood test, and pushed us to go to other veterinary hospitals.

During every arduous trip to the hospital(two hours drive), I tried to comfort her anxiety and prayed for Luna: We will go to Mariah Carey, Taylor Swift, and Katy Perry's concert after you recover. She likes me to play their songs on the way and at home.....

We went to the cardiologist, but they failed to properly diagnose and treat pneumonia, HOCM, heart failures, and mitral valve endocarditis, causing paralysis(ATE). The last one cruel vet overdose of 20 mg/ml of Buprenorphine TD (Zorbium) injected into Luna caused

severe side effects that exacerbated the underlying disease, including respiratory depression, respiratory failure, and cardiovascular collapse, leading to her passing away quickly. They are good at evading duty and cheated us with the excuse to cover their incompetence, negligence, and harm- medical malpractice! After Luna was sent to Veterinary Medical Diagnostic Laboratory and did some research, we regret to find the fact! As Luna's mom, I thank everyone who shared love and donated to Luna! With great sadness, I have to formally inform you that Luna has passed away. She died in bed when I was warming her cold feet. When Luna died that day, the sky fell snowed heavily. I have filed a complaint with the CT Department of Public Health for Luna's medical malpractice. We must achieve justice for her and save more animals. We must improve a safe and fair work environment and medical practice through LAWS! I am recording our story in the book and film. Her soul will always remain with us together. Your support means everything to the world. Thank you from the bottom of our hearts.....

"I Promise On My Dear Father's Grave, Every one of your Hard Earned Dollars, You have Pledged Will Save Lives and Go Up Onto the Screen." - Lu Ning, Artist & Filmmaker & Immigrant & Animal Rights Advocate & C100 NGL ❤️

LU NING FOUNDATION IS A NON-PROFIT ORGANIZATION THAT ADVOCATES SUPPORTING IMMIGRANTS AND ANIMALS RIGHTS. ❤️

Please Save Animal - Make a Nonprofit



❤️ This is only for Hospital Emergency Room bills. It doesn't cover further treatment.

Luna		Breed:	Shorthair, Domestic		Birthdate:	XXXXXX	
Description	Staff Name	Low Qty.	Low Amount	High Qty.	High Amount		
Emergency Visit	XXXXXX	1.00	\$180.00	1.00	\$180.00		
Sedation		1.00	\$75.00	2.00	\$150.00		
IV Catheter		1.00	\$117.00	2.00	\$234.00		
Chest Fluid Drainage		1.00	\$235.00	2.00	\$470.00		
Respiratory Monitoring under Anesthesia		1.00	\$35.00	1.00	\$35.00		
Ultrasound Thoracic Fluid Check		1.00	\$50.00	3.00	\$150.00		
X-ray - 3 views		1.00	\$365.00	1.00	\$365.00		
X-ray additional view		0.00	\$0.00	6.00	\$294.00		
Chem 17, Lyte 4, ProCyte & SDMA.		1.00	\$365.00	1.00	\$365.00		
Oxygen Therapy - Initial		1.00	\$84.00	1.00	\$84.00		
Oxygen Therapy per Hour		18.00	\$306.00	42.00	\$714.00		
Emergency/Critical Care Consultation		1.00	\$145.00	1.00	\$145.00		
Hospitalization ICU Level		2.00	\$560.00	3.00	\$840.00		
Cardiologist - Inpatient Exam		1.00	\$214.00	1.00	\$214.00		
Echocardiogram Comprehensive		1.00	\$700.00	1.00	\$700.00		
i-STAT CHEM8		2.00	\$184.00	5.00	\$460.00		
Medication Injection (Inpatient)		10.00	\$370.00	20.00	\$740.00		
Medications - Outpatient (E)		1.00	\$100.00	1.00	\$100.00		
Low Subtotal:			\$4,085.00	High Subtotal:		\$6,240.00	
Low Total:			\$4,085.00	High Total:		\$6,240.00	



❤️ Special Heroes Thanks List - In order of donations support ❤️

Keren Salim, Attorney at NHLAA

Ben Haldeman, Lecturer at Yale Law School - Attorney at NHLAA

Kathy Lu, Attorney at Sanctuary for Families - Yale Law School Alumni

Alexander T. Taubes, Civil Rights Lawyer - Yale Law School Alumni

Andrew Chongseh Kim, Lawyer - Harvard Law School Alumni - C100 NGL

Jesse Chang, Entrepreneur - Licensed Attorney - C100 NGL

Chuck Ng, Investor & Entrepreneur - President of UC Berkeley BCAIA

Miaoqi Zhu, Ph.D. Engineer at Sony Pictures Entertainment

Julie Tsui, Animal Lover

Jiayin Li, Animal Lover

Suzanne Simone, Animal Lover

Zichan Duncan, Animal Lover

MaryAnne Baranowski, Speech Therapist Educator

Sandra Dorry, Animal Lover
Roger Yang, Entrepreneur - Photographer - Writer - C100 NGL
Virginia Morales, Realtor - Elementary Educator
Norman Yee, Educator - Former San Francisco Supervisor
Kate Clarke, Teaching Assistant at Oakwood Elementary School
Janpen Phupeerasupong, Animal Lover
Tom Matano, Automotive Designer, Educator - Academy of Art University
Xiaohong Zhang, Engineer - USC Alumni
Hao Wu, Producer - Animal Lover
Ran Li, Filmmaker - Writer - USC Alumni
Lisa Goldstein, Animal Lover
Eleanor Terrett, Animal Lover
Karen Del Aguila, Animal Lover
H M, Engineer - USC Alumni
Laurie Campisano, Animal Lover
Vanessaaa Anne, Animal Lover
Robert Kelley, Animal Lover
Dylan, Engineer - USC Alumni
Carol Solis Sanchez, Animal Lover
Stefanie Blueher, Animal Lover
Edward Colton, Animal Lover
April Lee, Animal Lover
Arina Ayzen, Animal Lover
Kathleen Omo, Animal Lover
Aymee genatt, Animal Lover
Angela Sarcone, Animal Lover
Melanie Wang, Animal Lover
Suzette bergelson, Animal Lover
Brooke Stolting, Animal Lover
Bernadette Davis, Animal Lover
Linda D'Esposito, Animal Lover
Paola Escobar-McCabe, Animal Lover
Ginette Torres Santana, Animal Lover
Paola Escobar-McCabe, Animal Lover

[Donate](#)[Share](#)

Fundraising team (2)

**Lu Ning**

Organizer

New Haven, CT

[Contact](#)**Virginia Morales**

Team member

Words of support (3)

Please donate to share words of support.

**Linda D'Esposito**

\$10 • 5 mos

I donated because I have been there.

**April Lee**


\$50 • 6 mos


Dear Lu I am praying for Luna's recovery, as an animal lover and grandmama of three amazing kitties; I feel your pain. Please know that you have strangers who are so supportive of you and as such, we can then be considered family, united in the love that only our fur babies can give. I donated and shared your post, I look forward to hearing positive updates about your sweet girl ❤️

**Roger Yang**

\$24 • 7 mos

Support Luna so that she can return to health and Lu Ning's care at home.

Created February 11th, 2023 •  [Animals](#)

 Report fundraiser

Your easy, powerful, and trusted home for help



Easy

Donate quickly and easily.



Powerful

Send help right to the people and causes you care about.



Trusted

Your donation is protected by the [GoFundMe Giving Guarantee](#).



Fundraise for

- Medical
- Emergency
- Memorial
- Education
- Nonprofit
- Support COVID-19 fundraisers
- Crisis Relief

Learn more

- How GoFundMe Works
- Why GoFundMe
- Common questions
- Success stories
- Supported countries
- Charity fundraising
- Pricing

Resources

- Help center
- Blog
- GoFundMe Stories
- Press center
- Careers
- About
- More resources ▾

 United States · English



© 2010-2023 GoFundMe

Terms

Privacy Notice

Legal

Accessibility Statement

