

Yuzhen Jin v Mount Sinai Hosps. Group, Inc.

2025 NY Slip Op 35035(U)

December 24, 2025

Supreme Court, New York County

Docket Number: Index No. 805271/2018

Judge: John J. Kelley

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**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. JOHN J. KELLEY PART 56M

Justice

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YUZHEN JIN, individually and as Administratrix of
the Estate of WENBAO JI, the Deceased, and JINHUI JI,

Plaintiffs,

- v -

MOUNT SINAI HOSPITALS GROUP, INC., MAX SUNG,
CHINATOWN CARDIOLOGY, P.C., MICHAEL C. LIOU,
ADVANCED ONCOLOGY, P.C., KIN Y. LAM, NORLAND
NG, METRO TRUE CARE MEDICAL, P.C., JIAN W.
ZHANG, LU YOU, ANGELA YEUNG, MEI YU LIANG, JOHN
DOE, JANE DOE, and ABC, P.C.,

Defendants.

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The following e-filed documents, listed by NYSCEF document number (Motion 003) 136, 137, 138, 139, 140, 141, 142, 143, 144, 154, 156, 157, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 181, 183, 184

were read on this motion to/for ATTORNEY -
DISQUALIFY/RELIEVE/SUBSTITUTE/WITHDRAW .

The following e-filed documents, listed by NYSCEF document number (Motion 004) 145, 146, 147, 148, 149, 150, 151, 152, 153, 155, 158, 159, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 182, 185, 186

were read on this motion to/for ATTORNEY -
DISQUALIFY/RELIEVE/SUBSTITUTE/WITHDRAW .

In this action to recover damages for medical malpractice based on alleged departures from good and accepted practice, lack of informed consent, loss of spousal consortium, and wrongful death, the defendants Mount Sinai Hospitals Group, Inc., Max Sung, Chinatown Cardiology, P.C., and Michael C. Liou (collectively the Mount Sinai defendants) move pursuant to Rule 3.7 of the Rules of Professional Conduct (22 NYCRR 1200.0), to disqualify Wei Ji, Esq., and Alliance Law, PLLC, from representing the plaintiffs in this action (MOT SEQ 003). The defendants Advanced Oncology, P.C., Kin Y. Lam, Norland Ng, Metro True Medical Care, P.C., Jian W. Zhang, Lu You, and Angela Yeung (collectively the Oncology defendants) move for the

same relief (MOT SEQ 004). The plaintiffs oppose the motions. The motions are granted, and Wei Ji, Esq., and Alliance Law, PLLC, are disqualified from representing the plaintiffs herein.

Wei Ji, Esq., is the daughter of both the plaintiff Yuzhen Jin and of Jin's husband and decedent, Wenbao Ji. Over the course of the care and treatment rendered to the decedent by the defendants, Wei Ji witnessed much of the defendants' conduct, as well as the physical and medical condition of the decedent over time. The crux of the plaintiff's claim is that the defendants committed malpractice in the manner and mode of treatment of the decedent, Wenbao Ji, for advanced stomach cancer, which included chemotherapy, and that they failed to monitor his cardiovascular system and other health conditions, which purportedly caused him to sustain heart failure and to die less than one week after the administration of chemotherapy.

At her deposition, Yuzhen Jin testified that her daughter, Wei Ji, accompanied her to, and was present at, the decedent's doctor's appointments, and exclusively accompanied him to his doctor's appointments in New York, including the visit during which he was informed of his stage IV stomach cancer diagnosis. As Yuzhen Jin testified, Wei Ji was the first person to inform her of the decedent's diagnosis. She further testified that Wei Ji was involved in the treatment plan for the decedent's cancer, and had knowledge concerning the length, duration, and location of his chemotherapy treatment. According to Yuzhen Jin, Wei Ji likewise escorted the decedent to hospital presentations, chemotherapy appointments, and doctors' visits, where she participated in discussions with doctors concerning her father's care and treatment, while Yuzhen Jin did not participate at all due to language differences. As Yuzhen Jin testified at her deposition, "[a]s I said, it was my daughter who accompanied him to the doctors. I don't speak English myself." During the course of discovery, the plaintiffs revealed that, prior to the decedent's death and, thus, prior to the commencement of this action, Wei Ji also maintained notes or diaries related to her father's medical care and treatment.

Moreover, when Yuzhen Jin testified at her deposition that she could not recall, remember, or provide vital information concerning her husband's treatment and condition, she

invited defense counsel to depose Wei Ji to obtain the requested information. Specifically, when asked about the radiation and chemotherapy treatment that her husband underwent to treat his cancer, Yuzhen Jin responded that “[y]ou can ask my daughter (Wei Ji) about that.” When asked at which hospital her husband underwent chemotherapy and radiation treatment, Yuzhen Jin testified that “I don’t remember, you can ask my daughter (Wei Ji) about that.” She gave an almost identical response to questions concerning the treatment plan, while, in response to a question concerning when her husband presented for chemotherapy or radiation, Yuzhen Jin responded, “that I don’t---I don’t remember. It was my daughter or daughters,” and responded to a question as to who diagnosed her husband with cancer: “that, I don’t know. You might have to ask my daughter that.” When pressed as to why defense counsel would have to ask her daughter, she stated that, “[i]n New York, mostly, it was my daughter Wei Ji, that accompanied him,” adding that “it was always my daughters who accompanied him. You can ask them about it,” and that “other than the last day, on all the other occasions, it was my daughter, my daughters who accompanied him to the hospitals, to the clinics, to the doctors.” In response to questioning as to how her husband learned that had had been diagnosed with cancer, Yuzhen Jin testified “I don’t really know for sure since I did not follow him. I think this was some test that they did but you can ask my daughters. They know more. I really don’t know.” In connection with questions concerning her own knowledge of her husband’s ongoing complaints, including abdominal pain, Yuzhen Jin similarly testified “That, I don’t know. You have to ask my daughter about that.” Yuzhen Jin testified that she was not present when her husband signed forms consenting to undergo radiation and chemotherapy, but that, instead, her daughters were there. Since she had testified that Wei Ji accompanied him to his New York appointments, and that the Oncology defendants’ office was located in New York, the Mount Sinai defendants argued that it was likely that Wei Ji was the daughter present at this appointment, and was consequently the person in the best position to discuss what information was imparted to the decedent prior to undergoing treatment. Consequently, both the Mount

Sinai defendants and the Oncology defendants argued that Wei Ji is likely to be called as a witness at trial and that, hence, it would be a violation of the Rules of Professional Conduct for her to continue representing the plaintiffs in this action.

In her opposition papers, Wei Ji asserted that the defendants had yet to depose her sisters, Jinhui Ji and Ruolin Ji, who she asserted also had information concerning their father's diagnosis, course of treatment, and resulting condition, since they had also traveled to New York and accompanied their father to several of his appointments. She submitted affidavits from her sisters, in which they attested to have accompanied their father to several of his appointments in New York, although they did not deny that Wei Ji herself accompanied him as well. She further asserted that the defendants had yet to produce any witnesses for deposition, and that the defendants' witnesses would also have knowledge of relevant facts. Wei Ji suggested that the completion of these other depositions might render her own testimony duplicative, superfluous, or unnecessary.

"The disqualification of an attorney is a matter that rests within the sound discretion of the Supreme Court" (*Falk v Gallo*, 73 AD3d 685, 685 [2d Dept 2010]; see *Nationscredit Fin. Servs. Corp. v Turcios*, 41 AD3d 802, 802 [2d Dept 2007]). A party's entitlement to be represented by counsel of his or her choice is a valued right which should not be abridged absent a clear showing that disqualification is warranted (see *Falk v Gallo*, 73 AD3d at 685, *Aryeh v Aryeh*, 14 AD3d 634, 634 [2d Dept 2005]). Thus, the party seeking to disqualify an attorney bears the burden on the motion (see *Falk v Gallo*, 73 AD3d at 685; *S & S Hotel Ventures Ltd. Partnership v 777 S.H. Corp.*, 69 NY2d 437, 445 [1987]; *Nationscredit Fin. Servs. Corp. v Turcios*, 41 AD3d at 802]).

As explained by the Appellate Division, First Department,

"Rules of Professional Conduct (22 NYCRR 1200.0) rule 3.7(a) provides that an attorney may not act as an advocate in a matter where they are 'likely to be a witness on a significant issue of fact' unless 'the testimony relates solely to an uncontested issue,' 'disqualification of the lawyer would work substantial hardship on the client,' 'the testimony will relate solely to a matter of formality,

and there is no reason to believe that substantial evidence will be offered in opposition to the testimony,' or 'the testimony is authorized by the tribunal' (Rules of Prof Conduct [22 NYCRR 1200.0] rule 3.7 [a] [1], [3]-[5])”

(*Matter of David E. [Michael E.]*, 230 AD3d 992, 994 [1st Dept 2024]). Thus, where the plaintiff’s attorney was the only person, other than the parties, who had knowledge of the material facts underlying a dispute in a pending action, that attorney is “likely to be a witness on a significant issue of fact” (*Falk v Gallo*, 73 AD3d at 685).

Here, however, Wei Ji is not the only person other than the parties who has knowledge of the underlying facts, as her sisters have some knowledge of the facts as to several of their father’s medical appointments. Nonetheless, in light of her extensive involvement in her father’s care and treatment, as described above, Wei Ji apparently has the most knowledge of any nonparty as to numerous significant issues of fact, and is likely to be called as a witness by the defendants, both for a deposition and at trial (*see Mansouri v Hochstein*, 2024 NY Misc LEXIS 60091, *3, 7 [Sup Ct, Nassau County, Sep. 18, 2024] [disqualification of plaintiff’s counsel in medical malpractice action was warranted because counsel, who was plaintiff’s daughter, accompanied plaintiff to her medical appointments and, thus, witnessed the care that was rendered to plaintiff]; *cf. Patterson v Beth Abraham Nursing Home*, 209 AD3d 538, 539 [1st Dept 2022] [parties were not likely to call plaintiff’s attorney as a witness]; *Namdor, Inc. v Boulevard Retail, LLC*, 2024 NY Slip Op 30046[U], *27, 2024 NY Misc LEXIS 74, *34 [Sup Ct, N.Y. County, Jan. 2, 2024] [attorney was not the only nonparty with relevant knowledge, and was not likely to be called as a witness]). Nor were Wei Ji’s involvement and knowledge limited to ministerial undertakings, such as the timing and nature of mailings made from a law office (*see US Bank Natl. Assoc. v Okeke*, _____AD3d_____, 2025 NY Slip Op 07120, *2-3 [1st Dept, Dec. 18, 2025]). Rather, Wei Jin’s testimony “will be necessary to resolve significant issues of fact to determine” (*Matter of Norton v Town of Islip*, 167 AD3d 622, 624 [2d Dept 2018]) what several physicians informed her father, whether they obtained his fully informed consent to treatment, the nature and extent of the course of his examinations and testing undertaken by

numerous physicians, and the contents of the communications between those healthcare providers and her father. Moreover, the plaintiffs have not established that there would be a hardship in prosecuting the action if Wei Jin were disqualified, as there are numerous excellent plaintiff's medical malpractice attorneys in New York.

Accordingly, it is,

ORDERED that the motion of the defendants Mount Sinai Hospitals Group, Inc., Max Sung, Chinatown Cardiology, P.C., and Michael C. Liou to disqualify Wei Jin, Esq., and her law practice, Alliance Law, PLLC, from representing the plaintiffs in this action (MOT SEQ 003) is granted, and those attorneys are disqualified from representing the plaintiffs; and it is further,

ORDERED that the motion of the defendants Advanced Oncology, P.C., Kin Y. Lam, Norland Ng, Metro True Medical Care, P.C., Jian W. Zhang, Lu You, and Angela Yeung to disqualify Wei Jin, Esq., and her law practice, Alliance Law, PLLC, from representing the plaintiffs in this action (MOT SEQ 004) is granted, and those attorneys are disqualified from representing the plaintiffs; and it is further,

ORDERED that all proceedings in this action are stayed for a period of 60 days from the date of this order to permit the plaintiff to obtain new counsel.

This constitutes the Decision and Order of the court.

JOHN J. KELLEY, J.S.C.

12/24/2025
DATE

MOTION 003:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>
			DENIED		OTHER
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER		SUBMIT ORDER	
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		FIDUCIARY APPOINTMENT	<input type="checkbox"/>
					REFERENCE
MOTION 004:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	GRANTED IN PART	<input type="checkbox"/>
			DENIED		OTHER
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER		SUBMIT ORDER	
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN		FIDUCIARY APPOINTMENT	<input type="checkbox"/>
					REFERENCE