

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

SPENCER PHARMACEUTICAL INC.,  
et al.,

Defendants.

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Civil Action No. 12-cv-12334-IT

ORDER

June 23, 2014

TALWANI, D.J.

At the parties' request,<sup>1</sup> this court held an Emergency Status Conference on June 23, 2014 to consider Defendant Jean-Francois Amyot's request that depositions long-scheduled to take place in Montreal, Quebec on June 25, June 26, and June 27, 2014 be postponed. This court hereby DENIES Mr. Amyot's request.

The court has previously granted the parties' joint motion to modify the case schedule, but in doing so, ordered that there would be no further continuances.<sup>2</sup>

On June 2, 2014, counsel for Mr. Amyot, IAB Media Inc. ("IAB Media") and Hilbroy Advisory Inc. ("Hilbroy") sought leave to withdraw. The Local Rule 7.1 certification provided that these defendants "ha[d] asked that we discontinue our representation of them immediately . . . ." Despite requesting that his counsel discontinue representation, Mr. Amyot made no request at

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<sup>1</sup> See Emergency Mot. Status Conference, 1 [#80].

<sup>2</sup> See Electronic Order [#75].

that time to reschedule the depositions.<sup>3</sup>

Mr. Amyot's last-minute request to postpone the depositions appears primarily to be based on the court's order of June 16 that IAB Media and Hilbroy may not appear without counsel. This request is misplaced for several reasons.

As this court repeatedly explained, corporations may not appear pro se.<sup>4</sup> Accordingly, Mr. Amyot does not have standing to seek a delay on behalf of IAB Media and Hilbroy.

Mr. Amyot, IAB Media, and Hilbroy can claim no surprise here. The court's order of June 16 is not a new directive to the parties. The court previously advised the parties that corporate defendants may not appear without counsel.<sup>5</sup>

Finally, to ensure no possibility of prejudice, this court is ordering that all objections that could have been raised by the corporate defendants through counsel are preserved.

FOR THE FOREGOING REASONS,

IT IS HEREBY ORDERED that:

1. Defendant Jean-Francois Amyot's request that depositions scheduled to take place in Montreal, Quebec on June 25, June 26, and June 27, 2014 be postponed is DENIED;
2. If Defendants IAB Media and Hilbroy intend to participate in this action, they

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<sup>3</sup> The motion did request a two-week stay, which was denied by the court. See Mem. Law Supp. Mot. Withdraw & Stay Proceedings [#73]; Electronic Order [#75]. Even if that stay had been granted, however, the stay would have ended prior to the deposition dates.

<sup>4</sup> See Order, 1 [#79]; see also In re Las Colinas Dev. Corp. v. Walter E. Heller & Co. of P.R., 585 F.2d 7, 11 (1st Cir. 1978) (“[A] corporation may be represented only by licensed counsel.” (citation omitted)); see also Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council, 506 U.S. 194, 201 (1993); Indigo Am., Inc. v. Big Impressions, LLC, 597 F.3d 1, 2 (1st Cir. 2010).

<sup>5</sup> See Clerk's Notes [#12].

must appear through counsel filing a notice of appearance by July 14, 2014. If, by July 14, they have not appeared through counsel, this court will issue default judgments against them.

3. All objections that could have been raised by IAB Media and/or Hilbroy through counsel at these depositions will be preserved.

IT IS SO ORDERED.

/s/ Indira Talwani  
United States District Judge