

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
SECURITIES AND EXCHANGE	:	
COMMISSION,	:	
	:	
Plaintiff,	:	21-CV-7700 (VSB) (SN)
	:	
-against-	:	<b><u>AMENDED ORDER</u></b>
	:	
SIMON PIERS THURLOW, <i>et al.</i> ,	:	
	:	
Defendants.	X	
-----		

VERNON S. BRODERICK, United States District Judge:

Pursuant to Federal Rule of Civil Procedure 60(a), this Order amends the Order issued on October 28, 2024. (Doc. 91.)

-

On September 5, 2024, I issued an Opinion & Order in which I *sua sponte* raised whether Defendant R. Fidler’s representation of his co-defendants presented an actual or potential conflict of interest. (Doc. 51.) In response, R. Fidler withdrew his representation of certain Defendants. (Doc. 80.) R. Fidler now represents Defendants B. Fidler, B. Boucher, and Western Bankers Capital Inc., and has submitted conflict waivers on these Defendants’ behalf. (*See* Doc. 78.) Plaintiff argues that I should nonetheless disqualify R. Fidler from representing B. Fidler, B. Boucher, and Western Bankers Capital Inc., as the allegations in the complaint suggest that R. Fidler’s interests in this litigation are or will become adverse to the co-defendants he represents. (*See* Doc. 85.)


I find that R. Fidler’s submissions are insufficient to demonstrate that disqualification is unwarranted. Accordingly, it is hereby:

ORDERED that Defendants R. Fidler, B. Fidler, B. Boucher and a representative of Defendant Western Bankers Capital shall appear for a hearing on this matter on December 10, 2024 at 2:00 p.m. in Courtroom 518 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007. Counsel for Plaintiff Securities and Exchange Commission shall also appear at the hearing. R. Fidler shall be prepared to testify and present argument as to why representing his co-defendants does not or will not violate Rules 1.7 and 3.7 of the New York Rules of Professional Conduct. B. Fidler; B. Boucher; and the Western Bankers Capital representative shall be prepared to testify as to their knowledge of and agreements to waive these actual or potential conflicts of interest. Counsel for Plaintiff may present argument in support of their position regarding actual or potential conflicts of interest in this case.

No other party or counsel need appear at the hearing, however, they may request a dial-in number by emailing [BroderickNYSDChambers@nysd.uscourts.gov](mailto:BroderickNYSDChambers@nysd.uscourts.gov) no later than December 9, 2024 at 12:00 p.m. local time.

SO ORDERED.

Dated: November 22, 2024  
New York, New York

  
Vernon S. Broderick  
United States District Judge