

748 F.2d 602, \*, 1984 U.S. App. LEXIS 15990, \*\*;  
1984-2 Trade Cas. (CCH) P66,311; 40 Fed. R. Serv. 2d (Callaghan) 954

business. *Midwestern Waffles*, 734 F.2d at 710-11; *Pitchford v. Pepi, Inc.*, 531 F.2d 92, 97-98 (3d Cir. 1975), *cert. denied*, 426 U.S. 935, 96 S. Ct. 2649, 49 L. Ed. 2d 387 (1976); *Jeffrey*, 518 F.2d at 1131; *Reibert v. Atlantic Richfield Co.*, 471 F.2d 727, 730-31 (10th Cir.1972), *cert. denied*, 411 U.S. 938, 93 S. Ct. 1900, 36 L. Ed. 2d 399 (1973). Such persons may suffer "indirect" or "secondary" financial injury from antitrust violations, but they are not the target of the anticompetitive practices. *Jeffrey*, 518 F.2d at 1131. Patterson [**609**] plainly lacked standing to sue the defendants in this case.

#### IV.

SAFFCO and Patterson contend that the district court erred in ruling on a variety of motions [**\*\*19**] made during the discovery process. Only two of these claims are worthy of discussion; the remainder are frivolous. A trial judge has broad discretion to control the course of discovery, especially in a complex antitrust case such as this one, and we will not disturb his discovery rulings absent an abuse of discretion. *Commercial Union Insurance Co. v. Westrope*, 730 F.2d 729, 731 (11th Cir.1984); *Majd-Pour v. Georgiana Community Hospital, Inc.*, 724 F.2d 901, 903 (11th Cir.1984); *Aviation Specialties Inc. v. United Technologies Corp.*, 568 F.2d 1186, 1189 (5th Cir.1978).

#### A.

On September 10, 1982 SAFFCO's counsel, in Atlanta, received the defendants' notice to take the deposition of a key witness in New York City on September 14, 1982. At the time, counsel for both sides were in the midst of trial in a related case in the district court. Late in the afternoon of the day before the deposition, SAFFCO's attorneys moved the district court for a protective order requiring the defense to reschedule the deposition because they could not be present in New York the next day. Defense counsel had already arrived in New York for the deposition, [**\*\*20**] however. The district court granted SAFFCO's motion on the condition that it pay for one-half of defense counsel's round-trip air fare to New York. Fed.R.Civ.P. 26(c) and 37(a)(4).

SAFFCO contends that the order was patently unfair because the notice of deposition was not filed within a "reasonable" time, as required by Fed.R.Civ.P. 30(b), and was not scheduled in good faith. This may be so, but SAFFCO's attorneys could have avoided the situation by advising opposing counsel about their problem before counsel departed for New York. We find no abuse of discretion in the court's award of partial expenses in this situation.

#### B.

SAFFCO's counsel withdrew three years into the suit. Patterson, SAFFCO's only shareholder, thereafter sought to represent the corporation *pro se* pursuant to 28 U.S.C. § 1654 (1982). The court correctly refused to allow him to do so.

Section 1654 provides: [HN7] "In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage [**\*\*21**] and conduct causes therein." Patterson failed to recognize that SAFFCO, the corporation, and Patterson, its sole shareholder, were separate legal persons and that section 1654 precluded him from appearing *pro se* in behalf of another person. Moreover, [HN8] corporations must always be represented by

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