
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

HARRIS RESEARCH, INC.,
Plaintiff,

v.

JEFF LYDON, LISA SMITH, and MICHAEL
WEBER,
Defendants.

**ORDER and
MEMORANDUM DECISION**

Case No. 1:05-CV-136

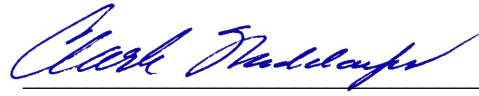
Judge Clark Waddoups

Now before the court is Defendant Lisa Smith's informal request to the court for an attorney to represent her at the civil contempt hearing to be held on June 7, 2011, which the court will construe as a motion to appoint an attorney. Ms. Smith is correct that an indigent person has a right to be appointed counsel in civil contempt proceedings if there is a possibility that the person could be incarcerated. *See Walker v. McLain*, 768 F.2d 1181, 1183 (10th Cir.1985). In this case, given the nature and severity of Ms. Smith's contemptuous behaviour, there is a chance that she could be incarcerated to attempt to ensure that she complies with court orders. Accordingly, Ms. Smith is hereby ordered to submit to the court proof regarding her indigence, which will be placed under seal. If the court determines that she qualifies, she will be appointed counsel.

Because this Order will require additional time in these proceedings, the court *sua sponte* vacates the present hearing set for June 7, 2011. After the issue of whether Ms. Smith will be appointed counsel is resolved, the court will reschedule the contempt hearing.

DATED this 23rd day of May, 2011.

BY THE COURT:



Clark Waddoups
United States District Judge