

United States District Court  
Southern District of New York

SHARON REED,

Plaintiff,

- against -

DELTA AIRLINES, INC., ET AL.,  
Defendants.

10 Civ. 1053 (JGK)

**MEMORANDUM OPINION AND  
ORDER**

JOHN G. KOELTL, District Judge:

The plaintiff's application for appointment of counsel filed December 21, 2010 is **denied** at this time without prejudice to renewal.

For the Court to order the appointment of counsel, a plaintiff must, as a threshold matter, demonstrate that her claim has substance or a likelihood of success on the merits

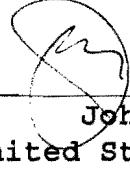
See Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986). Only then can the Court consider the other factors appropriate to determination of whether counsel should be appointed: "plaintiff's ability to obtain representation independently, and [the plaintiff's] ability to handle the case without assistance in the light of the required factual investigation, the complexity of the legal issues, and the need for expertly conducted cross-examination to test veracity." Cooper v. A. Sargent Co., Inc., 877 F.2d 170, 172 (2d Cir. 1989).

At this point in the proceedings, the Court denies the plaintiff's application for appointment of counsel without prejudice to renewal. The defendant concedes that the plaintiff is entitled to a reimbursement of \$650 plus interest on her breach of contract claim, representing money that the defendant failed to refund to her. Thus, the plaintiff has shown a likelihood of success on the merits to that limited extent. This apparently meritorious claim, however, is not complex and requires little if any factual investigation. Accordingly, the appointment of counsel is not warranted on the basis of this claim. As to the plaintiff's other claims, however, the Court cannot determine based on the record that the plaintiff is likely to succeed on the merits of these claims.

The plaintiff should work with the Pro Se Office of the Court for any additional help that she needs and should also seek to obtain private counsel. The Pro Se Office may be contacted at: Pro Se Office, United States District Court, S.D.N.Y., 500 Pearl St, New York, N.Y. 10007, 212-805-0175.

SO ORDERED.

Dated: New York, New York  
December 21, 2010

  
John G. Koeltl  
United States District Judge