

COURT USE ONLY PURSUANT TO ARK. SUP. CT. ADMIN. ORDER NO. 2(B)

IN THE CIRCUIT COURT OF INDEPENDENCE COUNTY, ARKANSAS

LUNDEN ROBERTS

PLAINTIFF

vs.

HUNTER BIDEN

DEFENDANT

Case No: 32DR-19-187

1ST DIV.

ORDER TO APPEAR AND SHOW CAUSE

COMES NOW the court, and for its order doth state:

1. That this court ordered that the defendant fully answer interrogatories 6, 7, 15, 22, 23, 24, 25, 26, 16 (second int. 16 now Int. 31), 17 (second int. 17 now Int. 32), 23 (second int. 23 now Int. 38), 28 (now 43), and 30 (now 45). 2d Interlocutory Order p. 3, ¶ 8A.

2. That the plaintiff alleges that the defendant has failed to fully answer these interrogatories and the specific defects are listed in the plaintiff's May 18, 2023, motion for contempt. The court will hear only evidence of those defects to determine if a finding of contempt and sanctions are appropriate.

3. That the plaintiff seeks, and the court shall consider, the following punishment or sanctions (to be imposed individually or collectively):

- A. Incarceration for civil contempt until such time as the defendant fully answers discovery for a period of up to six (6) months;
- B. Awarding attorney's fees and costs to the plaintiff of up to \$20,000;

- C. Striking the defendant’s motion to modify support and his answer to the plaintiff’s motion to change the child’s last name to “Biden” consistent with the court’s long-standing ability to refuse to hear a party when he is in contempt for disobeying its order. *Pickett v. Ferguson*, 45 Ark. 177, 191 (1885) (citing *Walker v. Walker*, 82 *Walker*, 82 N. Y., 26).
- D. Incarceration for criminal contempt for a period of up to six months; and
- E. A reasonable fine for criminal contempt to be paid into the registry of the court consistent with *Norman v. Cooper*, 101 Ark. App. 446, 453, 278 S.W.3d 569, 575 (2008) and *Yarbrough v. Yarbrough*, 295 Ark. 211, 214, 748 S.W.2d 123, 124 (1988).

4. That the court finds that this is a matter of its process and enforcing its orders consistent with *Norman* and *Yarbrough*, *supra*.

5. That, consistent with *Turner v. Rogers*, 564 U.S. 431, 447–48 (2011), the defendant is hereby given notice that his “ability to pay” is or may become a critical issue in the contempt proceeding; (2) the use of a form (or the equivalent), such as his AFM, may be employed to elicit relevant financial information; (3) the defendant will have an opportunity at the hearing to respond to statements and questions about his financial status (*e.g.*, those triggered by his responses on the form); and (4) the defendant is subject to an express finding by the court that he has the ability to pay.

NOW THEREFORE the defendant is given notice to appear in person on **JULY 10, 2023, at 10:00 A.M.** at the Independence County Courthouse located at 192 East Main Street in Batesville, Arkansas, and show cause, if any exists, why he should not be held in contempt of paragraph 8A of this court’s Second Interlocutory Order filed

on May 16, 2023.

IT IS, BY THE COURT, SO ORDERED.

PREPARED BY: **ATTORNEYS FOR THE PLAINTIFF**

Clinton W. Lancaster
LANCASTER & LANCASTER
LAW FIRM, PLLC
P.O. Box 1295
Benton, AR 72018
llf@thelancasterlawfirm.com
T: (501) 776-2224

HON. HOLLY MEYER,
CIRCUIT JUDGE

DATED: _____

**AUTHENTIC ELECTRONIC SIGNATURE MAY
BE PRESENT ON THE LAST PAGE.**



Case Title: LUNDEN ALEXIS ROBERTS V ROBERT HUNTER BIDEN

Case Number: 32DR-19-187

Type: ORDER APPEAR AND SHOW CAUSE

So Ordered

A handwritten signature in blue ink, appearing to read "Holly L. Meyer".



Holly L. Meyer, 16th Circuit Division 1 Judge