

STATE OF MAINE
SAGADAHOC, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-15-001

DONALD FALVEY AND)
CYNTHIA FALVEY,)
)
Plaintiffs)

v.)

JOHN NAPEAHI,)
ROLLING FRITO-LAY SALES, LP,)
FRITO-LAY SALES, INC.,)
FRITO-LAY, INC.,)
JOHN DOES 1-5,)
JOHN DOE CORPORATIONS 1-5,)
JOE DOE PARTNERSHIPS 1-5,)
ROE NON-PROFIT)
ORGANIZATIONS 1-5,)
and)
ROE GOVERNMENTAL)
AGENCIES 1-5,)
)
Defendants)

ORDER ON DEFENDANTS JOHN
NAPEAHI'S AND FRITO-LAY'S
APPLICATION FOR DEPOSITION FOR
USE IN FOREIGN JURISDICTION
PURSUANT TO M.R.CIV.P. 30(h)

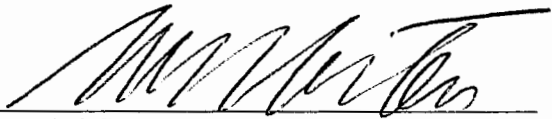
After reviewing Defendants John Napeahi's and Frito-Lay's Application for Deposition for Use in Foreign Jurisdiction, including the supplemental filing, the Court determines that the mental health treatment records of Donald Falvey are relevant to the claims Mr. Falvey has made in the lawsuit he filed and which is now pending in Hawaii, captioned *Donald Falvey and Cynthia Falvey v. John Napeahi, Rolling Frito-Lay Sales, LP, Frito-Lay Sales, Inc., Frito-Lay, Inc., John Does 1-5, John Doe Corporations 1-5, Joe Doe Partnerships, 1-5, Roe Non-Profit Organizations 1-5 and Roe Governmental Agencies 1-5*, Circuit Court of the Second Circuit, State of Hawaii, Civil No. 13-1-

0686(1) (Motor Vehicle Tort). By filing this lawsuit, Mr. Falvey has put his own mental condition at issue. Ms. Lonsdale's records relating to his mental condition and treatment appear to be relevant to these issues.

Therefore, it is ORDERED that Ms. Lonsdale provide a sealed envelope to the Court which contains all of her records within four days for the Court's *in-camera* review. The Court will make a preliminary examination of the records and determine if there is any reason that her complete records should not be produced at this time. If all of the records are to be produced, the Court will enter an order requiring Ms. Lonsdale's custodian of records to attend a deposition, produce the complete records and answer the questions regarding the records set forth in the deposition notice. If the Court determines that any parts of the records are to be redacted, the Court will provide a sealed envelope to counsel to be filed with the Court in Hawaii for further consideration.

IF MR. Falvey objects to any of the foregoing, his objection is waived unless made in writing & filed with this Court by January 27, 2015.

DATE: Jan. 20, 2015



Andrew M. Horton
Justice, Superior Court

DONALD FALVEY - PLAINTIFF

Attorney for: DONALD FALVEY
ELIZABETH STOUER - RETAINED
RICHARDSON WHITMAN LARGE & BADGER
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PORTLAND ME 04112-9545

vs

JOHN NAPEAHI - DEFENDANT

Filing Document: APPLICATION
Filing Date: 01/06/2015

Minor Case Type: FOREIGN DEPOSITION

SUPERIOR COURT

SAGADAHOC, ss.

Docket No BATSC-CV-2015-00001

DOCKET RECORD

Docket Events:

01/12/2015 FILING DOCUMENT - APPLICATION FILED ON 01/06/2015