

CAUSE NO. 2015-516,082

IN RE:

DONALD R. MAY

§ IN THE 99TH DISTRICT COURT
§
§ OF
§
§ LUBBOCK COUNTY, TEXAS

PETITIONER DONALD R. MAY'S
VERIFIED PETITION REQUESTING DEPOSITIONS
TO INVESTIGATE POTENTIAL CLAIM OR SUIT UNDER TEX. R. CIV. P. 202

TO THE HONORABLE COURT:

Donald R. May, Petitioner, requests authority to take the deposition of the persons listed below in order to investigate a potential claim or suit, as authorized by Texas Rule of Civil Procedure 202.

I.

Petitioner is a citizen of the State of Texas residing in Lubbock, Lubbock County, Texas. Petitioner seeks to investigate a potential claim by Petitioner. The potential claim concerns potentially defamatory statements made against Petitioner by Kristen Vander-Plas and Kevin Lyle Vander-Plas.

II.

Petitioner seeks to depose the persons listed below (the "witnesses"). The substance of the testimony Petitioner expects to elicit from the witnesses involves potentially defamatory statements made against Petitioner by Kristen Vander-Plas and Kevin Lyle Vander-Plas alleging sexual harassment and/or sexual misconduct by Petitioner against Ms. Vander-Plas.

- a. Kristen Vander-Plas
4004 47th Street
Lubbock TX 79413
(806) 786-9022
Petitioner expects to elicit testimony and request records from this witness regarding potentially defamatory statements she has made against Petitioner claiming Petitioner sexually harassed her and/or engaged in sexual misconduct. Petitioner expects that this witness will have interests adverse to Petitioner in an anticipated lawsuit.
- b. Kevin Lyle Vander-Plas
Mailing Address:
PO Box 64352
Lubbock TX 79464
Physical address:
4004 47th Street
Lubbock TX 79413
(806) 797-5972
Petitioner expects to elicit testimony and request records from this witness pertaining to potentially defamatory statements made by this witness and his daughter, Kristen Vander-Plas, claiming that Petitioner sexually harassed her and/or engaged in sexual misconduct. Petitioner expects to have interests adverse to this witness in an anticipated lawsuit.
- c. Amy Murphy, Dean of Students
Texas Tech University
201 Student Union Bldg.
Box 45014
Lubbock, TX 79409
(806) 834-0293
Amy.murphy@ttu.edu
Petitioner expects to elicit testimony and request documents from the witness pertaining to potentially defamatory statements made by Ms. Kristen Vander-Plas or Mr. Kevin Lyle Vander-Plas about Petitioner sexually harassing her and/or engaging in sexual misconduct.
- d. Ronald G. Phillips
General Counsel, Texas Tech University
Office of the President
150 Administration Bldg., Room 170
Box 42005
Lubbock, TX 79409-2005
(806) 834-5997
Ronald.phillips@ttu.edu

Petitioner expects to elicit testimony and request documents from the witness pertaining to potentially defamatory statements made by Ms. Kristen Vander-Plas or Mr. Kevin Lyle Vander-Plas about Petitioner sexually harassing her and/or engaging in sexual misconduct.

III.

Petitioner's reasons for desiring to obtain each witness' testimony is to determine whether a claim should be pursued against Ms. Kristen Vander-Plas and Mr. Kevin Lyle Vander-Plas for defamation. The likely benefit of allowing the Petitioner to take the requested depositions to investigate a potential claim outweighs the burden or expense of the procedure. *See* Tex. R. Civ. P. 202.4(a)(2). It is preferable that facts be investigated and admissible evidence adduced regarding a potential claim for libel and/or slander before a formal lawsuit is filed, so that a lawsuit would not be filed without proper evidentiary support for such claims. Justice will be best served by allowing these depositions to investigate whether such a claim would be meritorious, before an actual claim is asserted in a lawsuit.

IV.

Petitioner also requests that the Court order that the following persons produce documents at their depositions:

a. Kristen Vander-Plas

All written records, including communications, whether maintained in hard copy or native electronic format, alleging that Petitioner sexually harassed her, or that Petitioner has engaged in sexual misconduct of any kind, from January 1, 2006, through the present.

b. Kevin Lyle Vander-Plas

All written records, including communications, whether maintained in hard copy or native electronic format, evidencing statements by either this witness or Kristen Vander-Plas alleging that Petitioner sexually harassed Kristen Vander-Plas or has engaged in sexual misconduct of any kind from January 1, 2006, through the present.

c. Amy Murphy

All written records, including communications, whether maintained in hard copy or native electronic format, evidencing statements by Kristen Vander-Plas or Kevin Lyle Vander-Plas alleging that Petitioner sexually harassed Kristen Vander-Plas or has engaged in sexual misconduct of any kind from January 1, 2006, through the present.

d. Ronald G. Phillips

All written records, including communications, whether maintained in hard copy or native electronic format, evidencing statements by Kristen Vander-Plas or Kevin Lyle Vander-Plas alleging that Petitioner sexually harassed Kristen Vander-Plas or has engaged in sexual misconduct of any kind from January 1, 2006, through the present.

V.

After service of this Petition and Notice, Tex. R. Civ. P. 202.3(a) requires that the Court hold a hearing on the Petition.

FOR THE REASONS STATED, Petitioner requests that the Court set a date for hearing on this Petition, and after the hearing find that the likely benefit of allowing the Petitioner to take the requested depositions to investigate a potential claim outweighs the burden or expense of the procedure. Petitioner further requests that the Court issue an Order authorizing Petitioner to take the depositions of the witnesses on oral examination and to produce the requested records for inspection and copying, to be taken at a time and place to be specified by Petitioner in a deposition notice as required by Rules 199 or 200 of the Texas Rules of Civil Procedure.

Respectfully submitted,

BUSTOS LAW FIRM, P.C.

By: /s/ Fernando M. Bustos

FERNANDO M. BUSTOS; SBN: 24001819

fbustos@bustoslawfirm.com

AARON M. PIER; SBN: 24041694

apier@bustoslawfirm.com

1001 Main Street, Suite 501

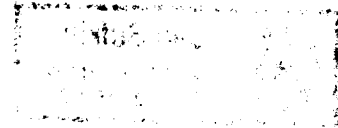
Lubbock, TX 79401

806-780-3976 - Telephone

806-780-3800 – Facsimile

ATTORNEYS FOR PETITIONER

DONALD R. MAY



VERIFICATION

STATE OF TEXAS

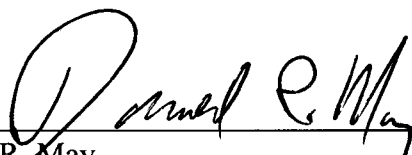
§

§

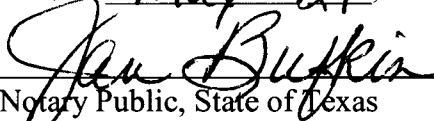
COUNTY OF LUBBOCK

§

Before me, the undersigned Notary Public, on this day personally appeared Donald R. May, and after being duly sworn stated under oath that he is the Petitioner in this matter; that he has read the above Petition and that every statement contained in the Petition is within his personal knowledge and is true and correct.


Donald R. May

SUBSCRIBED AND SWORN TO BEFORE ME on May 29, 2015.


Notary Public, State of Texas

