

AIMHI LODGE, INC.

v.

BRUCE D. COLLINS

Submitted on Briefs November 25, 2003  
Decided December 5, 2003

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, CALKINS, and  
LEVY, JJ.

#### MEMORANDUM OF DECISION

Bruce D. Collins appeals from an order of the Superior Court (Cumberland County, *Warren, J.*) granting the petition for pre-suit deposition filed by Aimhi Lodge, Inc., pursuant to Rule 27 of the Maine Rules of Civil Procedure.<sup>1</sup> Contrary to Collins's contentions, the court did not abuse its discretion in ordering a pre-suit deposition because the petition verification was adequate, *Powers v. Planned Parenthood of N. New Eng.*, 677 A.2d 534, 539 (Me. 1996) (stating that the verification requirement serves "to ensure the averring party's good faith" and we

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<sup>1</sup> See *Powers v. Planned Parenthood of N. New Eng.*, 677 A.2d 534, 536 (Me. 1996) (holding that a challenge to a ruling pursuant to M.R. Civ. P. 27 is cognizable on appeal).

construe it liberally); Rule 27 does not require a hearing, M.R. Civ. P. 27(a); and Aimhi established sufficient grounds for granting the motion, *In re Sen*, 1999 ME 83, ¶ 6, 730 A.2d 680, 682 (stating that a concrete danger of loss may exist if a potential deponent is aged or infirm); *see also Texaco, Inc. v. Borda*, 383 F.2d 607, 609-10 (3d Cir. 1967) (directing District Court to allow pre-suit deposition of the witness because at the age of seventy-one, the witness's availability for trial at an undeterminable future date and the stability of his memory were questionable).

The entry is:

Order affirmed.

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