

NO. CAAP-14-0001208

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

JOHN ROE 2, Plaintiff/Appellee,
v.
CATHOLIC FOREIGN MISSION SOCIETY OF AMERICA, INC.,
AKA MARYKNOLL FATHERS AND BROTHERS and ROMAN CATHOLIC
CHURCH IN THE STATE OF HAWAI'I, a Hawai'i not for profit
corporation, Defendants/Appellees,
and
FATHER WALTER JOHNSON, Non-Party/Appellant,
and
SOCIETY OF THE PRIESTS OF SAINT Sulpice
a/k/a THE ASSOCIATED Sulpicians of the United
States, INC., JOHN DOE INDIVIDUALS, CORPORATIONS
PARTNERSHIPS and GOVERNMENTAL AGENCIES 1-100, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 12-1-1637)

SUMMARY DISPOSITION ORDER

(By: Foley, Presiding J., Fujise and Ginoza, JJ.)

Non-Party/Appellant, Father Walter Johnson appeals an August 29, 2014 "Order Denying Non-Party Father Walter Johnson's Motion to Intervene and For Protective Order Filed August 29, 2014," entered in the Circuit Court of the First Circuit¹ (**circuit court**).

Johnson sought to intervene in this case to seek a protective order that would prevent his employment records from being produced through discovery. Johnson argued his interest in nondisclosure of his employment records was not adequately

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The Honorable Edwin C. Nacino presided.

represented by defendants and disclosure of his records would violate his right to privacy under article I, section 6 of the Hawaii Constitution.

In addition to filing this appeal, Johnson filed a petition for writ of mandamus (**Petition**) with the Hawai'i Supreme Court on October 1, 2014, seeking the nondisclosure of his employment records. On March 18, 2015, the supreme court issued an order denying Johnson's Petition on the grounds that he failed "to demonstrate that disclosure of the requested documents pursuant to the protective order issued by the Discovery Master violates article I, section 6 of the Hawai'i Constitution." Moreover, a stay on disclosure issued by the supreme court was thereby lifted upon the denial of Johnson's Petition.

This ruling of the Hawai'i Supreme Court thus moots this appeal.

Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed as moot.

DATED: Honolulu, Hawai'i, August 14, 2015.

On the briefs:

Melvyn M. Miyagi
Ross T. Shinyama
(Watanabe Ing)
for Non-Party/Appellant.

Presiding Judge

Mark F. Gallagher
for Plaintiff/Appellee.

Associate Judge

Associate Judge