

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE AT BANGOR

SHANA SANDLER,

Plaintiff

v.

Case No. 1:07-CV-00029-GZS

MIA CALCAGNI,  
RALPH CALCAGNI,  
MAUREEN CALCAGNI,  
PETER MARS,  
and  
BOOKSURGE, LLC,

Defendants.

**DECLARATION OF MATTHEW J. SEGAL IN SUPPORT OF  
BOOKSURGE, LLC'S MEMORANDUM OPPOSING PLAINTIFF'S  
MOTION FOR PARTIAL SUMMARY JUDGMENT**

THE UNDERSIGNED, under penalty of perjury, declares as follows:

1. I hereby submit this Declaration in Support of BookSurge, LLC's Memorandum Opposing Plaintiff's Motion for Partial Summary Judgment.
2. I am a partner in the law firm of Kirkpatrick & Lockhart Preston Gates Ellis, LLP, counsel for BookSurge, LLC ("BookSurge") in this case. I am over the age of 18, have personal knowledge of the facts herein, and am competent to testify thereto.
3. BookSurge received several thousand pages of documents from Defendants Ralph and Maureen Calcagni during discovery. A signed copy of the terms and conditions identified by the Plaintiff (Affidavit of Bernard J. Kubetz in Support of Plaintiff's Motion for Partial Summary Judgment ("Kubetz Aff."), Ex. 3) was not in the documents produced by the Calcagnis.

**Depositions & Deposition Exhibits:**

4. Defendant Ralph Calcagni was deposed on November 6, 2007, and again on January 23, 2008.
5. Attached as **Exhibit A** are excerpts of Ralph Calcagni's November 2007 deposition (referred to as "R. Calcagni Dep. I" in BookSurge's Memorandum of Law and Opposing Statement of Material Facts and Additional Statement of Material Facts).
6. David Symonds of BookSurge was deposed on February 14, 2008. Attached as **Exhibit B** are excerpts of Symonds's February 2008 deposition (referred to as "Symonds Dep." in BookSurge's Memorandum of Law and Opposing Statement of Material Facts and Additional Statement of Material Facts).
7. Attached as **Exhibit C** are excerpts of Maureen Calcagni's November 2007 deposition (referred to as "M. Calcagni Dep. I" in BookSurge's Memorandum of Law and Opposing Statement of Material Facts and Additional Statement of Material Facts).
8. Attached as **Exhibit D** are excerpts of Shana Sandler's November 2007 deposition (referred to as "Sandler Def. Dep. I" in BookSurge's Memorandum of Law and Opposing Statement of Material Facts and Additional Statement of Material Facts).

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I declare, under penalty of perjury, that the foregoing is true and correct.

Executed this 2nd of April, 2008.

/s/ Matthew J. Segal

MATTHEW J. SEGAL

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