

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE AT BANGOR

SHANA SANDLER,)
)
 Plaintiff)
)
 v.)
)
 MIA CALCAGNI,)
 RALPH CALCAGNI,)
 MAUREEN CALCAGNI,)
 PETER MARS,)
 and)
 BOOKSURGE, LLC,)
)
 Defendants.)

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

**DECLARATION OF ROY FRANCIA 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 (“BookSurge”) Memorandum Opposing Plaintiff’s Motion for Partial Summary Judgment. I am over the age of 18, have personal knowledge of the facts herein, and am competent to testify thereto.
2. I am an employee of BookSurge. Part of my responsibilities include following up with potential customers that contact BookSurge by email. When I follow up with these potential customers, I explain BookSurge’s services and answer the potential customer’s questions about our services.
3. BookSurge did not solicit *Help Us Get Mia* for publication or initiate contact with Mr. Ralph Calcagni.

4. Mr. Calcagni was interested in self-publishing his work, and he sought out BookSurge. Mr. Calcagni submitted his contact information to BookSurge on a web-landing page.
5. I then received Mr. Calcagni's information and contacted him by either phone or email to discuss BookSurge's printing and binding services.
6. Mr. Calcagni opted to purchase our Author's Express PDF printing package, and he received 250 books for \$1499 after uploading a PDF of his manuscript to the BookSurge website.
7. Mr. Calcagni did not purchase any additional BookSurge services beyond the basic Author's Express PDF printing package.
8. I do not recall seeing *Help Us Get Mia*. I never read or reviewed the contents of *Help Us Get Mia*.
9. I never discussed the contents of *Help Us Get Mia* with Mr. Calcagni. Mr. Calcagni only told me that the book was about events that occurred in Maine.

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

Executed this 2 of April, 2008, at Charleston, South Carolina.



ROY FRANCIA

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE AT BANGOR

SHANA SANDLER,

Plaintiff

v.

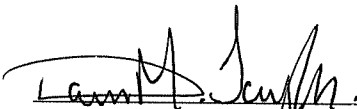
Case No. 1:07-CV-00029-GZS

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

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.


Dawn M. Taylor, Legal Assistant