

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

SHANA SANDLER,	)	
	)	
Plaintiff	)	
	)	
v.	)	
	)	
MIA CALCAGNI,	)	Case No. 07-CV-00029-DBH
EMET GABAR,	)	
JOHN DOE, and/or	)	
JANE DOE, Co-Authors, and	)	
BOOKSURGE, LLC,	)	
	)	
Defendants	)	

RESPONSIVE PLEADING OF DEFENDANT MIA CALCAGNI

Defendant Mia Calcagni responds to Plaintiff's complaint as follows:

AFFIRMATIVE DEFENSES

1. Each count of Plaintiff's complaint fails to state a claim upon which relief can be granted.
2. Plaintiff may have failed to mitigate her damages.
3. Any statement made by Defendant Calcagni was true.
4. Any statement made by Defendant Calcagni was privileged.

WHEREFORE, Defendant Calcagni requests entry of judgment on her behalf, with an award of costs.

ANSWER

1. Defendant Calcagni admits the allegations in Paragraph 1 of Plaintiff's complaint.
2. Defendant Calcagni denies the allegations in Paragraph 2 of Plaintiff's complaint.

3. Defendant Calcagni admits the allegations in Paragraph 3 of Plaintiff's complaint.

4. Paragraph 4 of Plaintiff's complaint states a supposition to which no response is required from Defendant Calcagni. To the extent a response is required, Defendant Calcagni denies the allegations in Paragraph 4 of Plaintiff's complaint.

5. Defendant Calcagni admits the allegations in Paragraph 5 of Plaintiff's complaint.

6. Paragraph 6 of Plaintiff's complaint states a legal conclusion to which no response is required from Defendant Calcagni. To the extent a response is required, Defendant Calcagni does not challenge jurisdiction.

7. Paragraph 7 of Plaintiff's complaint states a legal conclusion to which no response is required from Defendant Calcagni. To the extent a response is required, Defendant Calcagni does not challenge venue.

8. Paragraph 8 states an intention to which no response is required by Defendant Calcagni.

9. Defendant Calcagni denies the allegations in Paragraph 9 of Plaintiff's complaint.

10. Defendant Calcagni admits she was convicted of the crime of Class D criminal mischief. Defendant Calcagni denies the remaining allegations in Paragraph 10 of Plaintiff's complaint.

11. Defendant Calcagni acknowledges the Attorney General of the State of Maine brought an action on behalf of the State of Maine that resulted in a Consent Decree. Defendant Calcagni denies any further or inconsistent allegation in Paragraph 11 of Plaintiff's complaint.

12. Defendant Calcagni denies the allegations in Paragraph 12 of Plaintiff's complaint.

13. Defendant Calcagni denies the allegations in Paragraph 13 of Plaintiff's complaint.

14. Defendant Calcagni denies the allegations in Paragraph 14 of Plaintiff's complaint.

#### COUNT I

15. Defendant Calcagni repeats her responses to Paragraphs 1 through 14 above.

16. Defendant Calcagni denies the allegations in Paragraph 16 of Plaintiff's complaint.

17. Defendant Calcagni denies the allegations in Paragraph 17 of Plaintiff's complaint.

18. Defendant Calcagni denies the allegations in Paragraph 18 of Plaintiff's complaint.

WHEREFORE, Defendant Calcagni requests entry of judgment on her behalf, with an award of costs.

### COUNT II

19. Defendant Calcagni repeats her responses to Paragraphs 1 through 18 above.

20. Defendant Calcagni denies the allegations in Paragraph 20 of Plaintiff's complaint.

21. Defendant Calcagni denies the allegations in Paragraph 21 of Plaintiff's complaint.

22. Defendant Calcagni denies the allegations in Paragraph 22 of Plaintiff's complaint.

23. Defendant Calcagni denies the allegations in Paragraph 23 of Plaintiff's complaint.

WHEREFORE, Defendant Calcagni requests entry of judgment on her behalf, with an award of costs.

### COUNT III

24. Defendant Calcagni repeats her responses to Paragraphs 1 through 23 above.

25. Defendant Calcagni denies the allegations in Paragraph 24 of Plaintiff's complaint.

WHEREFORE, Defendant Calcagni requests entry of judgment on her behalf, with an award of costs.

### COUNT IV

26. Defendant Calcagni repeats her responses to Paragraphs 1 through 25 above.

27. Defendant Calcagni denies the allegations in Paragraph 27 of Plaintiff's complaint.

28. Defendant Calcagni denies the allegations in Paragraph 28 of Plaintiff's complaint.

WHEREFORE, Defendant Calcagni requests entry of judgment on her behalf, with an award of costs.

Dated: May 2, 2007

/s/ Bruce C. Mallonee

Bruce C. Mallonee, Esq.

RUDMAN & WINCHELL

Attorney for Defendant Mia Calcagni

84 Harlow Street, P.O. Box 1401

Bangor, Maine 04402-1401

Telephone: (207) 947-4501

[bmallonee@rudman-winchell.com](mailto:bmallonee@rudman-winchell.com)