

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

SHANA SANDLER,)	
)	
Plaintiff)	Case No. 1:07-cv-00029
)	
vs.)	
)	
MIA CALCAGNI, RALPH CALCAGNI,)	
MAUREEN CALCAGNI, PETER)	
MARS, and BOOKSURGE, LCC,)	
)	
Defendants)	
)	

**PETER MARS’ RESPONSE TO DEFENDANT BOOKSURGE, LLC’S ADDITIONAL
STATEMENT OF MATERIAL FACTS IN OPPOSITION TO SHANA SANDLER’S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant Booksurge’s Additional Statement of Material Facts in support of its Memorandum Opposing plaintiff Shana Sandler’s Motion for Partial Summary Judgment includes one Additional Statement – number 6 – that relates specifically to Mr. Mars. Additional Statement number 6 is cited within the “COUNTERSTATEMENT OF FACTS” section of the Memorandum, but is not otherwise cited within the “ARGUMENT” section. See Memorandum, p. 2. The Additional Statement that pertains to Mars is irrelevant to the arguments contained in Booksurge’s Memorandum and is unnecessary to its decision. Plaintiff’s Motion may be granted or denied without a factual finding on the Additional Statement. For that reason, pursuant to District of Maine Local Rule 56(e), Mars requests that Booksurge’s Additional Statement number 6 not be considered by the court and be stricken.

Pursuant to District of Maine Rule 56(e), without prejudice to the court's determination of the request to strike Additional Statement number 6, Mars responds to the statement as follows:

6. Defendants Ralph and Maureen Calcagni hired a local author, defendant Peter Mars, in April 2005 to help them write *Help Us Get Mia*, a book that chronicled and critiqued civil and criminal prosecutions against Ralph and Maureen's daughter Mia. *See* R. Calcagni Dep. I at 9:9-25 – 10:1-18, 10:14-25 – 11:1-16; M. Calcagni Dep. I at 17:7-12, 41:9-25 – 42:1-9, 113:14-18.

DENIED. *See* Exhibit A, January 21, 2008 deposition transcript of Peter Mars at 20:8-16 (“Q: And how much did you charge [the Calcagnis]? A: \$3,000. Q: And what was involved in that charge? What did they get for \$3,000? A: I would take the material that they gave me, transcribe it onto the computer, put it in the order that seemed to make the most sense, making sure that the grammar was correct, and then return it to them for their approval. And that was it.”) and 26:4-6 (“Q: You – it's my understanding that it's your position that you were not the author of this book; is that correct? A: That is correct.”).

Dated: April 14, 2008

/s/ J. William Druary Jr.

J. William Druary, Jr., Esquire
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