

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE AT BANGOR

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SHANA SANDLER, )  
 )  
 Plaintiff )  
 )  
 v. ) Case No. 1:07-CV-00029-GZS  
 )  
 MIA CALCAGNI, )  
 RALPH CALCAGNI, )  
 MAUREEN CALCAGNI, )  
 PETER MARS, )  
 and )  
 BOOKSURGE, LLC, )  
 )  
 Defendants. )  

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**BOOKSURGE, LLC’S OPPOSITION TO PLAINTIFF’S  
MOTION TO EXTEND THE TIME TO RESPOND TO  
DEFENDANTS RALPH AND MAUREEN CALCAGNI’S  
MOTION FOR SUMMARY JUDGMENT**

Defendant BookSurge, LLC (“BookSurge”) opposes Plaintiff Shana Sandler’s (“Ms. Sandler’s”) Motion to Extend the Time to Respond to Defendants Ralph and Maureen Calcagni’s Motion for Summary Judgment (Dkt. No. 142).

Ms. Sandler has moved to strike Defendants Ralph and Maureen Calcagni’s Motion for Summary Judgment on the grounds that it was filed after the deadline for dispositive motions (Dkt. No. 135). BookSurge takes no position with respect to that motion. If, however, the Court denies the motion to strike, BookSurge requests that the Court also deny Ms. Sandler’s motion to extend time. There is no need for Ms. Sandler to separately respond to the Calcagnis’ summary judgment motion (Dkt. No. 126) because the Calcagnis’ summary judgment motion consisted of two sentences that adopted BookSurge’s Motion for Summary Judgment on All Claims of Plaintiff Shana

Sandler (Dkt. No. 96). Ms. Sandler has already had her opportunity to respond to BookSurge's summary judgment motion, and she filed her opposition, on April 14, 2008 (Dkt. No. 129). Because the Calcagnis merely adopted BookSurge's summary judgment motion, Ms. Sandler should not be afforded a second opportunity to oppose the merits of BookSurge's motion. This is a transparent attempt to get a second bite of the apple that is not authorized by the rules. At most, the Court should limit any additional briefing by Ms. Sandler to the issue of whether any of BookSurge's arguments, if adopted by the Calcagnis, would not afford the Calcagnis relief.

Respectfully submitted,

BOOKSURGE, LLC

By its attorneys,

/s/ Harold J. Friedman

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May 1, 2008

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MIA CALCAGNI,	)	
RALPH CALCAGNI,	)	
MAUREEN CALCAGNI,	)	
PETER MARS,	)	
and	)	
BOOKSURGE, LLC,	)	
	)	
Defendants.	)	
	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on May 1, 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.

/s/ Harold Friedman  
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