

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.       | ) |                            |

**BOOKSURGE, LLC’S REPLY STATEMENT OF MATERIAL FACTS  
TO DEFENDANT PETER MARS**

BookSurge, LLC (“BookSurge”), pursuant to LR 56(d) & (e), does hereby set forth its Reply Statement of Material Facts to Peter Mars’ Response to Defendant BookSurge, LLC’s Statement of Material Facts in Support of Motion for Summary Judgment (Dkt. No. 117).

Defendant Peter Mars (“Mr. Mars”) moved to strike the statements of material fact in ¶¶ 11, 66, 67, 78 and 79 of BookSurge, LLC’s Local Rule 56(b) Statement of Material Facts in Support of Motions for Summary Judgment (Dkt. No. 102/106) on the grounds that these statements are unnecessary to the Court’s resolution of BookSurge’s summary judgment motion because the statements of material fact were not cited in BookSurge’s Motion or were only cited in the fact section of BookSurge’s Motion. The identified statements were provided as background and context. Mr. Mars’ request

should be denied because he cites no legal authority for his argument that the Court should strike these statements, and there is no evidentiary basis to do so.

Respectfully submitted,

BOOKSURGE, LLC

By its attorneys,

/s/ Matthew J. Segal

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May 5, 2008

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| BOOKSURGE, LLC,   | ) |                            |
|                   | ) |                            |
| Defendants.       | ) |                            |
|                   | ) |                            |

**CERTIFICATE OF SERVICE**

I hereby certify that on May 5, 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/ Dawn M. Taylor  
Dawn M. Taylor, Legal Assistant