

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

SHANA SANDLER,)	
)	
Plaintiff)	Case No. 1:07-cv-00029
)	
v.)	
)	
MIA CALCAGNI,)	
EMET GABAR,)	
JOHN DOE and/or)	
JANE DOE, and)	
BOOKSURGE, LLC,)	
)	
Defendants)	

**PLAINTIFF'S MOTION TO DISMISS DEFENDANTS EMET GABAR, JOHN DOE
AND JANE DOE AS DEFENDANTS AND JOIN AS DEFENDANTS RALPH
CALCAGNI, MAUREEN CALCAGNI AND PETER MARS, AND TO AMEND
COMPLAINT (F.R.Civ.P. 15, 18 & 19)**

Plaintiff moves this Court as follows:

1. Plaintiff filed her Complaint in this Court on February 27, 2007.
2. The Complaint names the Defendants as Mia Calcagni, Emet Gabar, John Doe and/or Jane Doe, and Booksurge, LLC.
3. Defendants Mia Calcagni and Booksurge have been served with the Complaint and Summons and have filed answers.
4. On March 15, 2007, this Court granted Plaintiff's motion to conduct limited discovery to identify the author(s) of the book, "*Help Us Get Mia.*"
5. As a result of Plaintiff's further investigation and limited discovery, Plaintiff believes that the authors of the book include Ralph Calcagni and Maureen Calcagni of Winthrop, Maine, and Peter Mars of North Monmouth, Maine.

6. Plaintiff now seeks leave of the Court to dismiss Defendants Emet Gabar, John Doe and Jane Doe and to join as Defendants Ralph Calcagni and Maureen Calcagni of Winthrop, Maine, and Peter Mars of North Monmouth, Maine. Plaintiff further seeks to amend her Complaint to set forth claims against the three new Defendants. The proposed First Amended Complaint is attached hereto as *Exhibit A*.

7. This Motion is authorized by Rules 15, 18 and 19 of the Federal Rules of Civil Procedure. In addition, no unfair prejudice will result from the granting of this Motion since general discovery has not yet begun and no Scheduling Order has yet issued. This Motion is also consistent with this Court's March 15, 2007 Order.

WHEREFORE, Plaintiff requests that she be given leave to dismiss Emet Gabar, John Doe and Jane Doe as Defendants, to join Ralph Calcagni, Maureen Calcagni and Peter Mars as Defendants and to amend her Complaint to set forth causes of action against the new Defendants.

Dated at Bangor, Maine, this 24th day of May, 2007.

PLAINTIFF, Shana Sandler,

BY /s/ Bernard J. Kubetz
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CERTIFICATE OF SERVICE

I, Bernard J. Kubetz, hereby certify that on May 24, 2007, I electronically filed the foregoing Motion to Dismiss/Substitute Defendants and Motion to Amend Complaint with the Clerk of the United States District Court using the CM/ECF system, which will send notification of such filing to the following:

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*/s/ Bernard J. Kubetz*_____

Bernard J. Kubetz