

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE  
AT BANGOR

|                           |   |
|---------------------------|---|
| SHANA SANDLER,            | ) |
|                           | ) |
| Plaintiff                 | ) |
|                           | ) |
| v.                        | ) |
|                           | ) |
| MIA CALCAGNI,             | ) |
| EMET GABAR,               | ) |
| JOHN DOE, and/or          | ) |
| JANE DOE, Co-Authors, and | ) |
| BOOKSURGE, LLC,           | ) |
|                           | ) |
| Defendants.               | ) |
|                           | ) |

Case No. 07-CV-00029-DBH

**OBJECTION TO PLAINTIFF’S MOTION TO AMEND COMPLAINT  
BY DEFENDANT BOOKSURGE, LLC**

Pursuant to Local Rule 7(b), Defendant BOOKSURGE, LLC (“BookSurge”), through its attorneys, Kirkpatrick & Lockhart Preston Gates Ellis, LLP, objects, in part, to Plaintiff SHANA SANDLER’s (“Sandler”) 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, as follows:

1. BookSurge objects to Sandler’s motion to amend complaint because the proposed amended complaint, filed as Exhibit A to Sandler’s motion, does not identify with particularity (or otherwise) any of the alleged defamatory statements that are the subject of this litigation.

2. Sandler’s proposed amended complaint alleges that the book “*Help Us Get Mia*” includes false and defamatory statements about Sandler, but fails to identify in any way which specific statements in the book are false and defamatory. See Proposed Complaint, Exhibit A, at ¶¶ 13, 14, 20-23, 25, 27.

3. Sandler’s proposed amended complaint fails to comply with the Federal Rules of Civil Procedure and this Court’s precedent, requiring a plaintiff alleging libel and slander to identify the specific language of each defamatory statement. See *Veilleux v. Nat’l Broad. Co.*, 8 F. Supp. 2d 23, 35 (D. Me. 1998) (Brody, J.) (“Federal pleading rules require that plaintiffs alleging libel or slander must set forth the precise language alleged to be defamatory; thus the defendant is provided with information necessary to defend, especially in the case of allegations of defamation per se.” (quoting 50 Am. Jur. 2d Lib. & Sl. § 439)).

4. BookSurge does not object to Sandler’s motion to the extent it seeks to dismiss defendants Emet Gabar, John Doe, and Jane Doe.

5. BookSurge does not object to Sandler’s motion to the extent it seeks to join as defendants Ralph Calcagni, Maureen Calcagni, and Peter Mars.

### **REQUEST FOR RELIEF**

WHEREFORE, BookSurge prays for the following relief:

1. Sandler’s motion to amend complaint be granted subject to compliance with an order requiring Sandler to provide the precise language of each of the allegedly “false and defamatory” statements in “*Help Us Get Mia*” in the amended complaint;

2. Sandler’s motion to dismiss defendants Emet Gabar, John Doe, and Jane Doe be granted, subject to the Court’s discretion;

3. Sandler's motion to join as defendants Ralph Calcagni, Maureen Calcagni, and Peter Mars be granted, subject to the Court's discretion.

BOOKSURGE, LLC  
By its attorneys,

/s/ Steven P. Wright  
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Dated: June 14, 2007

**CERTIFICATE OF SERVICE**

I, Steven P. Wright, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on June 14, 2007.

/s/ Steven P. Wright  
Steven P. Wright