

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

SHANA SANDLER,

*Plaintiff*

v.

MIA CALCAGNI *et al.*,

*Defendants*

Case No. 1:07-cv-00029

**PLAINTIFF'S SECOND MOTION TO AMEND**  
**COMPLAINT (F.R.CIV.P. 15) WITH INCORPORATED MEMORANDUM**

Plaintiff moves this Court to amend the complaint in this matter to add language clarifying the damages Plaintiff is seeking. In support of this motion, Plaintiff states as follows.

1. Plaintiff filed her Complaint in this Court on February 27, 2007.
2. The Complaint named the Defendants as Mia Calcagni, Emet Gabar, John Doe and/or Jane Doe, and Booksurge, LLC.
3. Defendants Booksurge and Mia Calcagni were served with the Complaint and Summons and have filed answers on May 1 and May 2, 2007, respectively.
4. On May 24, 2007, as a result of limited discovery authorized by this Court to identify the author(s) of the book, "*Help Us Get Mia*," Plaintiff sought 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 also sought leave to amend her complaint to set forth claims against the three new Defendants.
5. On June 28, 2007, this Court granted Plaintiff's motion referenced in Paragraph 4 above.

6. Defendants Ralph Calcagni, Maureen Calcagni and Peter Mars were then served and filed answers on August 2 and August 14, 2007, respectively.

7. Plaintiff now seeks leave of this Court to amend her Complaint to clarify the damages she is seeking and specifically to clarify that she is seeking damages for emotional distress. The proposed Second Amended Complaint is attached hereto as *Exhibit A*. The only changes contained in that document are in paragraphs 23, 26, 29 and 32.

8. This Motion is authorized by Rule 15 of the Federal Rules of Civil Procedure. Plaintiff seeks leave of this Court to add language concerning damages. No unfair prejudice will result from the granting of this Motion since general discovery has just recently begun. Furthermore, the proposed amendments do not change in any way the gravamen of Plaintiff's claims.

WHEREFORE, Plaintiff requests that she be given leave to amend her Complaint to add additional language concerning damages.

Dated at Bangor, Maine, this 11<sup>th</sup> day of October, 2007.

PLAINTIFF, Shana Sandler,

BY /s/ Bernard J. Kubetz  
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**CERTIFICATE OF SERVICE**

I, Bernard J. Kubetz, hereby certify that on October 11, 2007, I electronically filed the foregoing Second 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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