

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

SHANA SANDLER,	)	
	)	
	)	
<b>Plaintiff</b>	)	<b>Case No. 1:07-cv-00029</b>
	)	
<b>vs.</b>	)	
	)	
<b>MIA CALCAGNI, RALPH CALCAGNI,</b>	)	
<b>MAUREEN CALCAGNI, PETER</b>	)	
<b>MARS, and BOOKSURGE, LCC,</b>	)	
	)	
<b>Defendants</b>	)	
	)	

**ANSWER TO SECOND AMENDED COMPLAINT BY DEFENDANT PETER MARS**

1. Answering paragraph 1, defendant admits the allegations contained therein.
2. Answering paragraph 2, defendant admits the allegations contained therein.
3. Answering paragraph 3, defendant admits the allegations contained therein.
4. Answering paragraph 4, defendant admits the allegations contained therein.
5. Answering paragraph 5, defendant admits the allegations contained therein.
6. Paragraph 6 states a legal conclusion which does not require a response. Denied to the extent necessary.
7. Paragraph 7 states a legal conclusion which does not require a response. Denied to the extent necessary.
8. Paragraph 8 sets forth a request by plaintiff to which no response is required.
9. Answering paragraph 9, defendant denies the allegations contained therein.

10. Answering paragraph 10, defendant admits that Mia Calcagni was convicted of some form of juvenile offense. The remaining allegations are denied.

11. Answering paragraph 11, defendant admits that the Attorney General of the State of Maine brought an action on behalf of the State of Maine that resulted in a consent decree. The remaining allegations are denied.

12. Answering paragraph 12, defendant denies the allegations contained therein.

13. Answering paragraph 13, defendant denies the allegations contained therein.

14. Answering paragraph 14, defendant denies the allegations contained therein.

COUNT I

Intentional Infliction of Emotional Distress – Defendant Mia Calcagni

This count is directed toward another defendant and does not require a response from defendant Peter Mars. Denied to the extent necessary.

COUNT II

Libel – All Defendants

19. Defendant repeats and realleges answers to allegations 1-18 as though repeated herein verbatim.

20. Answering paragraph 20, defendant denies the allegations contained therein.

21. Answering paragraph 21, defendant denies the allegations contained therein.

22. Answering paragraph 22, defendant denies the allegations contained therein.

23. Answering paragraph 23, defendant denies the allegations contained therein.

WHEREFORE, defendant requests that plaintiff's complaint be dismissed, for costs and for such other and further relief as the Court deems just and proper.

COUNT III  
Libel Per Se – All Defendants

24. Defendant repeats and realleges answers to allegations 1-23 as though repeated herein verbatim.

25. Answering paragraph 25, defendant denies the allegations contained therein.

26. Answering paragraph 26, defendant denies the allegations contained therein.

WHEREFORE, defendant requests that plaintiff's complaint be dismissed, for costs and for such other and further relief as the Court deems just and proper.

COUNT IV  
False Light – All Defendants

27. Defendant repeats and realleges answers to allegations 1-26 as though repeated herein verbatim.

28. Answering paragraph 28, defendant denies the allegations contained therein.

29. Answering paragraph 29, defendant denies the allegations contained therein.

30. Answering paragraph 30, defendant denies the allegations contained therein.

WHEREFORE, defendant requests that plaintiff's complaint be dismissed, for costs and for such other and further relief as the Court deems just and proper.

COUNT V  
Private Facts – All Defendants

31. Defendant repeats and realleges answers to allegations 1-30 as though repeated herein verbatim.

32. Answering paragraph 32, defendant denies the allegations contained therein.

33. Answering paragraph 33, defendant denies the allegations contained therein.

34. Answering paragraph 34, defendant denies the allegations contained therein.

WHEREFORE, defendant requests that plaintiff's complaint be dismissed, for costs and for such other and further relief as the Court deems just and proper.

COUNT VI  
Punitive Damages – All Defendants

35. Defendant repeats and realleges answers to allegations 1-34 as though repeated herein verbatim.

36. Answering paragraph 36, defendant denies the allegations contained therein.

37. Answering paragraph 37, defendant denies the allegations contained therein.

WHEREFORE, defendant requests that plaintiff's complaint be dismissed, for costs and for such other and further relief as the Court deems just and proper.

**FIRST AFFIRMATIVE DEFENSE**

Each count of plaintiff's complaint fails to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiff may have failed to mitigate her damages.

**THIRD AFFIRMATIVE DEFENSE**

Any statements made were true.

**FOURTH AFFIRMATIVE DEFENSE**

Any statements made were the subject of a legal privilege.

**FIFTH AFFIRMATIVE DEFENSE**

Any statements made were privileged because they were opinions.

**SIXTH AFFIRMATIVE DEFENSE**

Any statements made were privileged because they amounted to a fair comment on a matter of public interest.

**SEVENTH AFFIRMATIVE DEFENSE**

Any statements made were protected by the Constitutions of the United States and of the State of Maine.

**EIGHTH AFFIRMATIVE DEFENSE**

Plaintiff's damages must be reduced, or plaintiff's claim must be barred, because she was comparatively negligent.

**NINTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by conduct constituting waiver, laches, estoppel or other act or failure on her part that is legally preclusive of the relief she seeks.

**TENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by any applicable Statute of Limitations.

**ELEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred due to intervening and/or supervening conduct of persons or entities other than defendant Peter Mars.

**TWELFTH AFFIRMATIVE DEFENSE**

Defendant Peter Mars did not communicate or publish any of the alleged defamatory statements.

Dated at Waterville, Maine, this 19<sup>th</sup> day of October 2007.

/s/ J. William Druary, Jr.

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J. William Druary, Jr., Esquire  
Attorney for Defendant Peter Mars

MARDEN, DUBORD, BERNIER & STEVENS  
44 Elm Street, P.O. Box 708  
Waterville, ME 04903-0708  
(207) 873-0186